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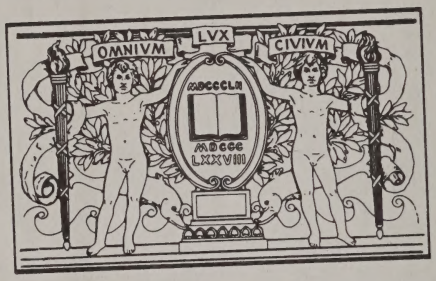

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THE

NORTH AMERICAN REVIEW.

VOL. XIII.

NEW SERIES.

VOL. IV.

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NORTH AMERICAN REVIEW.

No. XXXII.

NEW SERIES, No. VII.

JULY, 1821.

ART. I.—*A Treatise on Maritime Contracts of Letting to Hire, by Robert Joseph Pothier: translated from the French, with notes and a life of the author, by Caleb Cushing.* Boston, Cummings & Hilliard. 8vo. pp. xxxvii. 170.

SIR WILLIAM JONES, in a letter to Lord Althorpe, written after one of those excursions to France, in which his inquisitive mind, grasping every species of intellectual attainment, combined the severer studies of political science and law with the luxury of oriental literature, states that he had, among his various pursuits, attended some causes at the *Palais*, and brought home with him *the works of a most learned lawyer, whose name and merit he should have the honour of making known to his countrymen.* This writer was Pothier, whom he afterwards noticed and imitated in his beautiful essay on the *Law of Bailments*, and of whose treatises on the different species of contracts he speaks in the following enthusiastic manner: 'I seize with pleasure an opportunity of recommending those treatises to the English lawyer, exhorting him to read them again and again; for if his great master, Littleton, has given him, as it must be presumed, a taste for luminous method, apposite examples, and a clear manly style, in which nothing is redundant, nothing deficient, he will surely be delighted with works in which all those advantages are combined, and the greatest portion of which is law at Westminster as well as at Orleans. For my own part I am so charmed with them, that, if my

undissembled fondness for the study of jurisprudence were never to produce any greater benefit to the public, than barely the introduction of Pothier to my countrymen, I should think that I had in some measure discharged the debt, which every man, according to Lord Coke, owes to his profession.' Among these treatises, of which Sir W. Jones speaks in terms of such lavish commendation, is included that of which our countryman, Mr. Cushing, has presented the public with a translation in the work now before us. It contains the essay on the Contract of Charter Party or Affreightment, on the subject of General Average, and on Seaman's Wages, three very important titles of maritime law. We have always regarded a translation of Pothier's treatises on the several species of express or implied contracts as a very desirable acquisition to the profession, on account of the high character of the author, and because the law of contracts is necessarily the same, or very nearly the same, in every civilized and commercial country; since it depends not so much upon positive institution, as upon general principles applicable to human conduct in an advanced stage of society. The common law of England, and the commercial jurisprudence of Europe, have been largely indebted to the civil code for these principles, which were first invented by the Roman jurisconsults, and have been subsequently applied to the new relations, to which the vast increase of maritime commerce in modern times has given rise.

In order fully to appreciate the value of the works of this illustrious lawyer, it is necessary to remind our readers of some of the circumstances of his life and character, which connect his fame with the most classical epoch of French jurisprudence, when the administration of justice was carried to the greatest perfection it ever attained under the old monarchy. Robert Joseph Pothier was born at Orleans in the year 1699, and after pursuing his other studies with great ardor and success, felt himself drawn to the science of jurisprudence by an impulse too strong to be resisted, and which men of genius always feel for that pursuit in which they are destined to excel. Before he was of age, he was appointed a judge in the Presidial Court of his native city, where he soon outstripped all his competitors. The first work, in which he engaged for the improvement of his favourite science, was one which might appal the firmest resolution, and which nothing but the

consciousness of possessing perseverance and industry to overcome all difficulties could induce a man of his unaffected modesty and diffidence to undertake. This was no less a task than the remodelling of the Pandects or digest of the Roman law, originally collected by Tribonian in that celebrated compilation, which has preserved the most truly useful production of ancient genius from the ravages of time; but which abounds in defects proceeding from carelessness, ignorance, and, as some have thought, gross corruption and the indecent levity of despotic power sporting with the most important interests of mankind. Opinions are divided as to the integrity, with which the minister of Justinian proceeded; but the fact is unquestionable, that, under the pretext of drawing order out of confusion, he and his associates have left a crowd of *antinomies*, or contradictory laws, and his general arrangement is extremely deficient. It was Pothier's aim to reconcile these inconsistencies, as far as possible, and to give a more luminous arrangement to the Pandects. Had he consulted his own judgment alone, he would undoubtedly have recast the entire body of the compilation, and given it that analytical form which modern skill imparts to elementary works of science. But the arrangement of the *books* and *titles* had become inveterately established, and so identified with the citations of the text by the civilians in their commentaries, that it could not be changed, without manifest inconvenience. The *laws* are however disposed in a new order, connected by general definitions, rules, and corollaries, filling up the numerous *lacunæ* which the compilers employed by Tribonian had left, and giving to the work that completeness and fulness of illustration which might have been expected from their hands. Wherever a rule, maxim, or definition is deficient in the original, (probably from its having been first applied to the decision of a particular case presented to the jurisconsult or the emperor whose name is affixed to the law,) our author has added whatever was necessary to make it perspicuous and of general application; without, at the same time, altering the original text, which is still preserved in Roman characters, whilst these additions are given in *italics;* except indeed where it was necessary to assert the purity of the text against the interpolations of Tribonian, or the carelessness and ignorance of subsequent transcribers. The alterations, which the venality or fickleness of Justinian subsequently introduced in the *code* and

novels, are explained, and carefully distinguished from the genuine productions of the golden age of Roman jurisprudence. To the whole work is prefixed a preface, containing a sketch of the history of the civil law; the series and sects of the jurisconsults; and that venerable and curious monument of antiquity, the fragments of the Twelve Tables. This preface was prepared by his friend M. de Guienne, advocate at the parliament of Paris, by whose continued encouragement he was stimulated to persevere to the end of this great work, which cost him the leisure of twenty years assiduously applied to its accomplishment. It appeared in the year 1748, in three large folio volumes, under the title of *Pandectæ Justinianeæ in Novum Ordinem Digestæ.*

He was also honoured by the patronage and approbation of Chancellor D'Aguesseau; who, with the liberality of true genius, encouraged the labours of the only man in Europe capable of emulating the lustre of his own attainments in this noble science. This great man invited Pothier to Paris for the purpose of conferring with him on his work; corresponded with him on the subject; examined many parts of it in manuscript; and when he was appalled at the magnitude of the undertaking, and began almost to despair of its ultimate completion, revived his drooping spirits, and encouraged him to persevere. D'Aguesseau was then at the height of his reputation; a lawyer without a superior, in the extent and variety of his attainments, combined as they were with a classical eloquence and all the graces of a finished style in speaking and writing. He appeared in the latter part of the brilliant age of Louis XIV, which, after all that has been said to depreciate it, must be considered as peculiarly fruitful in men of genius; was made one of the king's advocates at the age of twenty one years, and in his first essay at the bar gave such presages of his future eminence, that the celebrated Denis Talon, president *à mortier* of the parliament of Paris, said that he should be satisfied to *terminate* as that young man had *commenced* his career. Under the regency of the Duke of Orleans he was raised to the high dignity of chancellor, which in France, as in England, is a political, as well as a judicial office; and in which he distinguished himself, not only as a judge, but by his enlightened views of reform in the civil and criminal legislation of his country. After consulting the different parliaments and the most eminent lawyers of the kingdom, he drew

up several ordinances intended to produce uniformity on the subjects of entails or substitutions, donations, wills and testaments, and the jurisdiction and practice of the courts. His *plaidoyers* are also admirable models of forensic eloquence, adapted to the purposes of real business, and sufficiently ornamented, though far removed from the ambitious and florid style which has so much perverted the public taste in some parts of our country, which have been more ready to take encouragement from Curran than to take warning from Phillips. Such was the man who encouraged the useful labours of Pothier, and who selected him to fill the professorship of the *Droit Français* in the university of Orleans in 1749; which he combined with the office of judge, and performed the duties of both with extraordinary fidelity and diligence. He united oral instruction with his written lectures; and excited the emulation of the students by colloquial intercourse, conducted with great kindness and condescension, and by the institution of prize medals as a reward for distinguished merit. In 1740 he had published an edition of the *coutume* of Orleans with an elaborate commentary, and in 1760 he republished it with great additions and improvements. This work is marked by the same characteristics which distinguish his other writings, great clearness of conception, a methodical arrangement, and extreme neatness and purity of style; and it soon came to be regarded as a text book on the common law of all the provinces, though peculiarly applicable to that of Orleans. After he entered on the duties of his professorship, he found it necessary to investigate more minutely the different titles of the law; and he gave to the world the fruits of his labors in a continued series of treatises upon various subjects, and especially upon the law of contracts. Of this series, the first is an essay upon the law of contracts in general, *Traité des Obligations*, which has been translated by an English barrister of considerable acuteness and independence of thinking, Mr. Evans; but whose extensive gloss, (designed to illustrate the text by a comparison with the law of England, and some other discussions,) as Mr. Cushing observes, has perhaps 'doubled the cost of the book, without proportionally increasing its actual value.' It has also been very well translated in this country, by Mr. Martin, now one of the judges of the Supreme Court of Louisiana, who has also published several volumes of the decisions of that court, and a digest of the laws

of that state. We are not aware that any of Pothier's other works had been rendered into English before the present laudable undertaking of Mr. Cushing. The best editions of the original are that in twenty eight volumes duodecimo, that of 1781 in eight volumes quarto, and an edition published in octavo at Paris, since the revolution, collating the text of Pothier with the new codes.

The process, by which the common or unwritten law of France was formed, appears to have been very similar to that which produced the English common law; and the respective fortunes of each have closely followed the political fate of the two countries. In France, the great fiefs were so early and so long separated from the domain of the crown, and independent of its control, that the local custom of each particular province had time to grow up and ripen into a distinct law, which, when these fiefs came to be reunited to the crown, could not, without great inconvenience and popular discontent, be abolished or reduced to one uniform rule. Such, probably, would have been the fate of the English law, had the great vassals of the crown been able to assert or maintain their independence for any considerable length of time. The local customs, which now form only minute exceptions to the common law, would have spread over a larger surface, and embraced a greater variety of subjects. Of the ancient French customs, that of Paris is the most important to the general student of law, as it formed a sort of supplement to the rest, was applied in all the French colonies, and in that way has become interwoven into the laws of one of the states of this union; was early reduced to a text of great simplicity and beauty, and commented on by Dumoulin, and the other oracles of French jurisprudence. That of Orleans has derived an adventitious interest from the excellent commentary of Pothier; but the custom of Normandy may perhaps be considered the most useful to the student of our law; because that province being the source from which sprung those feudal institutions which were planted in England by William the Conqueror and his successors, and subsequently engrafted on the stock of the common law, a diligent examination of this custom will shed a strong and useful light upon the investigations of those who take pleasure in tracing the analogies of law. The French lawyers, in their turn, have regarded the text of Littleton and Bracton as illustrating the custom of Nor-

mandy, and other provinces where the feudal system had taken deep root. M. Houard, an eminent advocate at Dieppe, published at Rouen, in 1766, an edition of the text and a translation of the institutes of Littleton, with a glossary and notes collating it with the custom.

This unwritten or customary law, of which we have been speaking, prevailed in the northern provinces of France, where the usages of the Franks and other barbarians gained a more complete triumph over the Roman institutions, and which were therefore called the *pays coutumier;* whilst the civil, or Roman law, still survived in the southern provinces, which were therefore termed *pays de droit écrit.* The struggle which took place between these rival systems during the middle ages is a curious subject of investigation. Under one of the French kings of the second race, a controversy arose between the Abbey of St. Benoît and that of St. Denis, respecting the proprietary interest in certain *serfs*, which were claimed by both; and in order to adjust it, several conferences were held, at which certain doctors and judges assisted, and on the part of the king a bishop and a count. But the affair could not then be brought to a decision, because the judges of the *Salic* law were entirely ignorant of the Roman, which it was insisted ought to regulate ecclesiastical property. Another conference was ordered to be held at Orleans, where doctors of the civil law attended, and where it seems it was regularly taught; but the suit was at last hardly terminated without a judicial duel between the witnesses, a mode of ascertaining their credibility very common in that age.* On the revival of the study of the civil law, or rather of the Justinian code, it encountered the same sort of opposition in the *pays coutumier*, which it is well known the English common lawyers manifested when it was first introduced in England; and the Romish clergy do not seem to have felt the same interest in promoting its adoption. It was taught in the south of France long before it was introduced into the northern provinces; and when the study of it was first sought to be established in the university of Paris, Pope Honorius III. expressly prohibited it to be taught there, upon the ground that in those provinces the laity did not acknowledge the authority of the imperial law, and that the canon law was sufficient for the determination of ecclesi-

* *Fleury, Histoire du Droit Francais, p.* 40.

astical causes; and besides the study of the Roman law might divert the attention of the clergy from the holy scriptures. He therefore forbade all persons whatsoever from teaching the civil law at Paris, or in the neighbourhood, under the penalty of being interdicted from practising as advocates, and of excommunication; and it is a remarkable fact, that, until the year 1679, there was no professor of the civil law in that celebrated university.* It has commonly been supposed that the Roman law was entirely disused in the southern provinces after the firm establishment of the barbarian kingdoms in that part of Gaul, or at least that the text was forgotten or lost, and it only survived as a sort of traditionary usage or customary law, until the celebrated epoch of the discovery of the Pandects at Amalfi. But the Theodosian code could hardly have been obliterated; and when that of Justinian was revived, it was eagerly adopted in that congenial soil where the Romans left so many vestiges of their power and institutions, and was soon applied even in the *pays coutumier* to the improvement of the local usages: so that the entire law of France is strongly imbued with the spirit and principles of Roman legislation. These customs were at a very early period reduced to a written text, and thus delivered from that uncertainty which must always attend the administration of a system of laws resting in tradition, and depending upon the frail testimony of witnesses for its ascertainment. Such were the *Etablissemens de St. Louis*, published by that monarch in 1270, before his expedition to Africa, containing the customs of Paris, Orleans, and Anjou, as they then existed; the *Coutumes de Beauvoisis** compiled by Philip de Beaumanoir in 1285; the *Assises de Jerusalem*, composed by Godfrey of Bouillon for the government of the kingdom established by the French crusaders in Palestine, and the *Grand Coutumier*, containing a collection of all the customs of the different provinces made in the reign of Charles VI. But these works, adapted to the simplicity of the rude age in which they were compiled, were found to be too general in their provisions and too succinct in their style to satisfy the wants of a more advanced stage of society; and when Charles VII. had accomplished the great work of expelling the English from France, he set about an undertaking hardly less important to the nation, that of amending the cus-

* *Fleury*, &c. p. 67, 68. Decretal. Gregor. l. v, t. 33, c. 28.

toms and republishing them in a more ample and intelligible text. We are informed by Dumoulin, that the ultimate intention of this monarch was to reduce the whole to an uniform code for the entire kingdom; and De Comines attributed the same design to Louis XI, who is said to have expressed a strong desire that an uniformity of laws, and of weights and measures, might be established throughout the kingdom; 'qu'en ce Royaume on usât *d'une coutume, d'un poids, d'une mesure, et que toutes les coutumes fussent mises en François dans un beau livre.*'* But the accomplishment of these designs and wishes was reserved for our own times, and even the more indispensable work of revising the different customs and reducing them all to an accurate text was not achieved, until more than a century after the death of Charles VII.

Besides these two great sources of the laws of France, the *Droit Français*, and the Roman code, another was to be found in the statutes enacted by royal authority. These were called under the Merovingian and Carlovingian princes, *Capitulaires;* and under the third race they acquired the name of *Ordonnances*, although all letters patent, by which a general rule of conduct was prescribed, had the force and effect of law. At first these statutes were enacted by the king in an assembly of his barons, and with their advice and consent, in the same manner as the great vassals of the crown legislated within their fiefs, with the advice and consent of their vassals. And even after the independent and exclusive legislative authority of the crown came to be habitually exercised, many of the most important *ordonnances* were enacted in an assembly of the states general of the kingdom. Such, for example, is the celebrated *ordonnance* of Moulins, requiring all contracts, the consideration of which exceeds a hundred livres in value, to be in writing. This, like all the other French statutes, is drawn up with great simplicity and precision, and appears never to have given rise to those innumerable questions, which have occurred under the English statute of frauds, and which have perverted its original design, so as almost to make it a statute for the promotion of frauds. Indeed the extreme verbosity of the legislative style in the English parliament, which has been too much copied in this country, is attended with very great inconveniences, and entirely defeats the great end of a written

* *Fleury, &c. p.* 91.

code. Among the French *ordonnances*, those of Louis XIV. are the most beautiful models of legislation, especially the Commercial *ordonnance* of 1673, which was compiled by a commission of the most eminent merchants and lawyers under the direction of Colbert; and the celebrated Marine *ordonnance* of 1681, better known by the admirable commentary of Valin, which prepared the way for the elementary works of Pothier and Emerigon. It is only necessary to name these three illustrious men to assert the fame of their country in legal science.

To this immense pile was superadded the *jurisprudence des arrets*, or the decisions of the courts of justice, ascertaining the law, or having *proprio vigore* the force of law: for though judicial decisions and precedents never appear to have acquired that authority which they have in England, and in this country, nor to have contributed so much to swell the mass of law, and to fill the lawyer's library, yet they were regarded with very great respect, and the parliaments and other sovereign courts even asserted the right, in many cases, of promulgating what were called *arrêts reglementaires*, and had the force of general prospective enactments.

The revolution came, and swept away this vast accumulation of laws. To supply its place, temporary decrees were enacted by the different legislatures. The project of a general civil code was first drawn up by Cambacéres under the republic, and before the return of Bonaparte from Egypt. On the accession of the latter to the first consulship, his ardent and restless mind was turned to this important subject, and he aspired to combine the fame of the legislator with the glory which he had acquired in arms. The same object had before occupied the attention of the different national assemblies which rapidly succeeded each other; but they were too much distracted by external danger and domestic faction, to mature a work, to accomplish which required either the tranquillity of peace and social order, or the power of a single will. After the return of the first consul from the field of Marengo, he appointed a board of commissioners to draw up the plan of a code, which should supersede all the pre-existing laws concerning private civil rights. It consisted of MM. Portalis, Tronchet, Bigot-Preameneu, and Malleville, all eminent and experienced lawyers of the old school, who produced the *Projet de Code Civil*, which was printed, and submitted to

discussion in a mode adapted to free it from imperfections, to remove the objections to its general plan, to simplify its provisions, and render them more explicit, and produce the most perfect model of legislation the world had yet seen. The revolution, which had levelled in the dust almost all the social institutions of France, without discriminating the good from the evil, rendered the task comparatively easy. The innumerable customs of the provinces had disappeared; and the multitude of royal ordinances was superseded by decrees of the different national assemblies, which had not yet gained that reverence and strength which time alone can give to the works of man. From this mass of ruins the legislator might select such materials as he thought fit for the construction of his new edifice. The Roman law was alone left, having the efficacious authority of a code of *written reason;* an authority which it must always command wherever it has been once known and established. It furnished an inexhaustible repository of legal principles, adapted to the wants of a highly civilized and polished state of society, and had no small pretensions to be considered as the universal code of Europe. From this source then, from the ancient customary law of France, and especially from the works of Pothier himself, they drew the materials of their new creation.

After this work had been prepared, it was submitted to all the Courts of Appeal, who made their observations upon the plan, which were also printed, and the whole was then subjected to the revision of the Council of State. Each book was then separately submitted to the legislative body for its adoption, accompanied with an *exposé des motifs.* These *observations* of the judges, the *procés-verbal* of the deliberations in the Council of State, and the *motifs* form an excellent commentary upon the text of the code. The *Code de Commerce* which was principally compiled from, and includes the subject matters of the commercial ordinance of 1673 and the marine ordinance of 1681, was prepared in a similar manner; and after these succeeded the *Code de Procédure Civil*, the *Code Penal*, and *Code de Procédure Criminelle.* These still form, with a very few alterations, the law of France; and certainly if despotic authority exerted for the accomplishment of beneficent designs can compensate for the miseries inflicted by military ambition, the fame of Napoleon must in some degree be justified from the imputation of having wielded his power only for the destruction of mankind.

Whatever could be done by the mere private authority of an individual to give a methodical system, fixedness and uniformity to the complicated legal institutions of France, had already been accomplished by the genius of Pothier; and it is his highest praise to have anticipated that reform in the legislation of his country, which he did not live to witness, but to which his works have essentially contributed. After a long life of incessant labour and usefulness, he died 1772, leaving behind him a character of probity and virtue equal to his reputation for talents and learning.* His memory is still revered among his countrymen as the great oracle of their jurisprudence; and his fame has not been confined to his own age and nation, since his works are constantly cited at Westminster and Washington as of the highest authority in all questions not exclusively depending upon positive and local institutions. It therefore appears to us that Mr. Cushing could not have performed a more valuable service to the profession, than by naturalizing among us these works. The translation which he has executed of the *Contrats de Louage Maritimes* is done with great fidelity and exactness, and is an earnest of what may be accomplished, should the editor be induced to persevere in his undertaking, and extend it to the other treatises of Pothier. The notes which are appended to this part of the work are of very great value, and indispensably necessary to render the text intelligible to readers not familiar with the French and Roman law. Should the public patronage justify a continuation of the work, as we feel confident it will, we would recommend to Mr. Cushing to collate the citations of Pothier from the commercial and marine ordinances of Louis XIV. with the correspondent provisions of the new commercial code; as alterations more or less important have been made in the text of those ordinances by the latter compilation, which is now the law of France, and may sometimes be referred to in our own courts either as illustrative of the general maritime

* Public funeral services were performed in the cathedral of Orleans on his account, and the following inscription, in letters of gold, on a marble tablet, may still be read there:

Hic jacet Robertus Josephus Pothier, *vir juris peritia, æqui studio, scriptis consilioque, animi candore, simplicitate morum, vitæ sanctitate præclarus. Civibus singulis, probis omnibus, studiosæ juventuti, ac maxime pauperibus, quorum gratia pauper ipse vixit, æternum sui desiderium reliquit, anno reparatæ salutis* MDCCLXXII, *ætatis vero suæ* LXXIII. *Præfectus et Ædiles, tam civitatis nomine quam suo, posuere.*

law, or as of positive authority in questions of the *lex loci contractus.*

An interesting life of Pothier, collected with care from all the sources accessible in this country, is prefixed by Mr. Cushing to his translation. The following extract presents us with some personal anecdotes of this illustrious jurist.

'In the course of his long life, a short journey to Rouen and Havre was almost the sole interruption, which he voluntarily made, in the regular routine of his pursuits. While he was composing his great work on the Pandects, he was obliged to withdraw for a short time from his business, and retire to Lu,* for the benefit of repose and solitude. After he was appointed professor, he commonly spent the vacations at the same place, and was most assiduously employed at a time which others devoted to relaxation. Many of his treatises proceeded from Lu. His only amusements there were short walks after he had dined or supped, occasional visits, and riding on horseback, an exercise for which he acquired great partiality.

'He never indicated the least disposition to marry, saying that he had not sufficient courage for it, and that he wondered at those who had; thinking, besides, that celibacy was the wisest course for one who was frugal of his time and was exclusively devoted to tranquil and studious retirement. That he was thereby enabled to execute more is indubitable; since the very felicity of a married life would have drawn him away from less agreeable occupations, and diminished his opportunities for extended usefulness. No person ever availed himself more fully of his exemption from the cares of a family; for he was too careless of money and indifferent to the means of increasing his property, to attend to the management of his domestic affairs. He gave it up altogether to his servants, who governed his house, directed its expenses, and relieved him from every thing which did not indispensably demand his personal interposition. The same disregard of domestic concerns appeared, also, in his exterior, which was always neglected, and in his cabinet, where all his books and papers were thrown about in the greatest disorder. A man of such habits would obviously never seek after riches. This indifference for wealth did not proceed from the greatness of his fortune, which, however, was sufficient for his purposes; but from the disinterestedness of his character. In fact, he considered his superfluous possessions the patrimony of the poor as much as of himself; and therefore his charities were unwearied and boundless; he denied himself

* 'Lu is a town belonging to the dutchy of Montferrat in the north of Italy.'

all the luxuries of life, and sometimes almost its necessaries, that he might have the more to give in alms; so that the inscription over his grave was literally true, that for the sake of the poor, he himself submitted to live in poverty.

'Although second to none in that essential politeness of the heart, which consists in being indulgent towards the faults, and scrupulous of injuring the feelings, of others, he was destitute of all exterior politeness and elegance of manners acquired from intercourse with polished society. His diffidence was excessive and always rendered him timid and embarrassed in the company of strangers. His body was tall in stature, but ill-connected; in walking, it inclined on one side, and his gait was singular and inelegant; he sat with his legs twisted together in the most ungainly manner; and there was a peculiar awkwardness in his whole figure, conduct, and deportment. His manners were, therefore, so little prepossessing, that a transient acquaintance would have tended to weaken, rather than confirm, a person's respect for his character; and although the goodness of his heart and simplicity of his feelings would soon become apparent to strangers, it would be long, before they would perceive any thing in his appearance answerable to the greatness of his reputation.' pp. xxxi —xxxiii.

It was our design to have entered into the examination of some of the points of law, which form the subject of the notes, but we find none perfectly adapted to discussion in our pages. On page 147 is a curious note on the question, 'whether negro slaves might be thrown overboard to lighten a ship.' The last and longest of the notes contains a very learned and useful sketch of the history of maritime law and an account of the treatises on this subject. We extract the first part of it.

'*Note* 55, p. 136. The author of the foregoing work exhibits, at every step, a profound knowledge of his subject, and a knowledge which could not have been acquired without very extensive reading; but as he seldom cites any authority except the Pandects, the Marine Ordinance and Valin's Commentary; it may be well to take a view of the sea-laws and treatises, from which Pothier drew his opinions, and which constitute the foundation of our maritime jurisprudence.

'The most ancient system of marine laws referred to by writers is that of Rhodes. The people of this island acquired commercial reputation at an early period, and the usages, which they followed in the regulation of maritime affairs, were so wise and just, that they were adopted by Rome as soon as she had extended her dominion beyond the boundaries of Italy. (*Gravina, De*

Ortu Jur. Civ. p. 756 *et seq; Emérigon, Assur. préf.; Cicero pro L. Manil. c.* 18.) It is doubtful whether the Rhodians ever possessed a written code of these laws; and the pretended collection of them, which for a considerable time imposed on the literary world, (*Sea Laws, p.* 76 *et seqq.*) is now generally acknowledged to be spurious. (*North Am. Rev.* vii, 325, 226; *Peters' Adm. Decis.* ii. 479.) Indeed the Rhodian laws, as we learn from the famous rescript of Antonine, (*Digest. lib.* xiv, *tit.* 2, *l.* 9.) were a species of common or international law in the Mediterranean. (*Grotius de Jure Belli ac Pacis, l.* ii. *c.* 3.) The spirit of these laws was gradually incorporated into the Roman law, until they came to form the substance of the maritime laws of Rome. (*North Am. Rev.* vii, 327; *Selden. Mare Clausum, lib.* i, *c.* 10, *s.* 5; *Sueton. Vita Tiberii Claudii; Schomberg's Obs. on Rhod. law; Park on Insurance, introduc. p.* 3, 7; *Pastoret, Dis. sur l'Influence des Loix Maritimes des Rhodiens; Bynkershoek, ad leg. Rhod. c.* 8; *Heineccius, His. Jur. Civ. Roman. Germ.; Azuni's Maritime Law, pt.* i, c. 4, *art.* 2; *Boucher, Consulat de la Mer. tit.* i, *liv.* 1, *c.* 2, 4.)

'The next authority, therefore, on which the modern commercial law stands, is the Roman law, as it exists in the Digest and Code of Justinian. The general principles of justice, which the civil law teaches, are the soul of all our international and maritime regulations at the present day; and although the titles in the civil law exclusively devoted to nautical concerns are few in number, yet their sound wisdom, compressed sense, and apposite illustrations entitle them to the greatest consideration. Pothier, we have seen, adduces them whenever he has an opportunity. The most important of these titles in the Pandects are *L.* iv, *tit.* 9, *Nautæ caupones, stabularii,* &c.; *L.* xiv, *tit.* 1, *De exercitoria actione; L.* xiv, *tit.* 2, *De lege Rhodia de jactu; L.* xxii, *tit.* 2, *De nautico fœnore; L.* xlvii, *tit.* 5, *Furti adversus nautas,* &c.; *L.* xlvii, *tit.* 9, *De incendio, ruina, naufragio,* &c. (*Azuni's Maritime Law,* i, 296 *et seqq.; Boucher, Consulat,* &c. *t.* i, *p.* 25 *et seqq.*) These titles, with the commentators on them, will be found to be of the very first utility to the commercial jurist. A translation of these titles into English is contained in *Hall's Law Journal.* (See also *Hall's Emérigon, ap.*)

'During the middle ages, as commerce revived in the different states bordering on the sea, each one, for a time, followed its own peculiar usages,—for laws they had none at this period of ignorance and superstition. As these states increased in wealth and power, their maritime usages began to assume a more distinct form, and were at last wrought into several written codes. These codes were not created in a moment, nor were they acts of peculiar legislative wisdom; but the principles in them slowly grew

up in the courts and commercial practices of several countries, and acquired confirmation from experience. (*North Am. Rev.* vii, 328, 329.)

The first modern code of sea-laws was compiled in the latter part of the eleventh century by the people of Amalphi, one of those numerous cities in Italy, which attained so much wealth and eminence in the pursuit of maritime commerce. (*Park, Sys. of Insurance, int. p.* 24; *Marshall, Treat. on Insurance, p.* 11; *Azuni's Maritime Law*, i, 376.)

Other states bordering on the Mediterranean followed the example of Amalphi; and in a short time one of them produced the curious and valuable collection of sea-laws called the Consulate of the Sea, which was probably compiled about the time of the crusades, (*Grotius, de Jure Belli, l.* 3, *c.* 1, *s.* 5; *Marquardus, De Jure Mercat. c.* 5, n. 59; *Vinnius, ad Digest.* xiv, 1, 2, *p.* 190; *Crusius, Opusc. Com. in leg. Rhod. de jactu;*) but by whose authority is altogether uncertain. The prevailing opinion is that, which traces its origin to Barcelona. (*Capmany, Codigo de las Costum. Mar. de Barcelona, disc. del. edit.; Idem. Mem. sobre la Marina, Commercio y Artes de Barcelona, pt.* ii, *lib.* 2, *cap.* 2, *p.* 107 *et seqq; Boucher, Consulat de la Mer, tom.* i, *liv.* 1. See however *Azuni's Maritime Law, pt.* 1, *ch.* 4, *art.* 8.) Wherever it was written, it soon attained great celebrity, and in the eleventh and twelfth centuries became the maritime law of the whole Mediterranean. (*Targa, Ponderazione, c.* 96; *Emérigon, Des Assurances, préf.; Casaregis, Disc.* 4, 6, 19, & 213. *North Am. Rev.* vii. 329; *Lubeck, De Jure Avariæ, p.* 110; *Card. de Luca, de Credito, dis.* 107. *n.* 6.) The title of this remarkable collection was derived from the name of *consulate*, which then belonged to the maritime courts in the South of Europe. (*Ducange, Gloss. s. voc. Consul; Azuni's Maritime Law*, i, 331; *Boucher, Consulat, t.* i, *p.* 579 *et seqq.*) Some difference exists among learned men as to the value of the Consulate, and all agree that it is a confused, inexact, and ill-arranged collection. (*Hubner, De la Saisie des Bâtimens neutres, dis. prél. p.* 11; *Bynkershoek, de Reb. Bellic. c.* 5, *Duponceau's tr. p.* 44.) Indeed it would be absurd to suppose that, at the time when it was compiled, any considerable judgment in selecting, skill in arranging, or precision in expressing nautical usages, could have been possessed by men just emerging from total barbarism. The single merit of it is, that, among many trivial and many unjust rules, it contains some of obvious utility and importance, which experience suggested and sanctioned. (*North Am. Rev.* vii. 330; *Marshall on Insurance, p.* 15, 16; *Park on Insurance, int. p.* 25; *Valin, Nouveau, Commentaire préf.*; *Peters' Adm. Decis.* i, 106; *Azuni's Maritime Law, ubi supra.*) At present, however, it is interesting

chiefly as an object of curiosity; because it has been superseded, by more valuable codes; since the very wisdom of its provisions by causing them to be sought after and adopted by legal writers and legislators, has proved the means of rendering the study of them unnecessary. The oldest known version of the Consulate is in the dialect of Catalonia, from which it was translated into Spanish, Italian, German and French. Some of the most eminent modern jurists have published editions of the Consulate, Casaregis in Italian, Westerven in Italian and Dutch, and Capmany in Spanish. The best edition is the translation in French by Boucher, which is preceded by a volume of very learned, but crudely compiled, illustrations. (*Boucher, Consulat de la Mer, 2 tom. in 8vo, Paris,* 1808.)

At the same time that the customs of the sea inserted in the Consulate were in credit on the coast of the Mediterranean, Elinor, duchess of Guienne and queen of England, soon after her return from the Holy Land, drew up a compilation of judgments, entitled the Roll or Judgment of Oleron, from the name of her favorite island, which her son Richard afterwards augmented and promulgated as the maritime law of Guienne and England. (*Cleirac, Us et Coutumes de la Mer, p.* 2; *Sea-Laws, p.* 116, 118; *Selden. de Dominio Maris, c.* 24; *Morisot, Histoire de la Marine, l.* 1, *c.* 18; *Fontanon, Ordon. Roy. tom.* iii, *p.* 865; *Blackstone's Com.* iv, 423; *Peters' Adm. Decis.* i, *ap. p.* 3; *Schomberg's Obs. on Rhod. Law. p.* 88; *Park on Insurance, int. p.* 26, 27; *Boucher, Consulat, t.* i, *c.* 18—20.) The Roll of Oleron was amended and published anew by John, Henry III and Edward III, and, as contained in the Black Book of the Admiralty, constitutes the basis of the admiralty law of England. (*Brown's Civ. and Adm. Law,* ii, 40.) As it was originally compiled for the dutchy of Guienne, then a great fief of the kingdom of France, and compiled by a vassal of the crown, it has always been claimed as their own by the writers of France. (*Emérigon, Des Assurances, préf.; Valin, Nouveau Commentaire, préf. p.* 377 *et seqq.*) The Judgment of Oleron was composed in Gascon French. It forms the first part of *Cleirac's Us et Coutumes de la Mer,* who has accompanied it with an excellent commentary. An English translation of it was published in the *Sea-Laws, (p.* 120 *et seqq.)* and republished in *Peters' Admiralty Decisions. (vol.* i, *ap. n.* 1.)

The next important collection of sea-laws is that of the Ordinances of Wisbuy. Wisbuy was formerly a rich and powerful city in the Swedish island of Gothland, and the most renowned market and fair in the North of Europe. (*Olaus Magnus, Histor. lib.* x, c. 16; *Sea-Laws, p.* 124; *Peters' Adm. Decis.* i, *ap. p.* 69; *Emérigon, Des Assurances, préf.* 11; *Boucher, Consulat,* &c.

ubi supra.) The history of its rise and of its fall is alike buried in obscurity, and no monument of its magnificence remains except its maritime regulations, which acquired the authority of a public law in all the countries beyond the Rhine. *(Grotius, Mare Liberum; Loccenius, de Jur. Marit. præf.)* The precise date at which these Ordinances were compiled is unknown; some writers even placing them before the Consulate of the Sea; *(Kuricke, Jus. Mar. Hans. p.* 681; *Lubeck, De Avar. p.* 105.*)* but the most probable opinion is, that they appeared some time after the Judgment of Oleron. *(Boucher, Consulat, t.* i, *c.* 21, 25; *Valin, Commentaire, préf.; Cleirac, Us et Coutumes, p.* 3, & 161; *Azuni's Maritime Law,* i, 381—385; *Bouchaud, Théorie des Trait. de Commerce, c.* ix, *s.* 3; *Park, Syst. of Insurance, int. p.* 29.*)* Cleirac has published them in French in the *Us et Coutumes,* from which they were translated into English by the author of the *Sea-Laws,* where they may be found, *(p.* 175 *et seqq)* as likewise in *Peters' Admiralty Decisions. (Vol.* i. *ap. p.* 69 *et seqq.)* They are likewise contained in *Verwer's Nederlandts See-Rechten,* accompanied with annotations.

The precise date of the preceding codes is uncertain; but the subsequent compilations were made in periods better known to history. In 1434, *(Marshall, Treat. on Insurance, p.* 20.*)* the *prud' hommes,* that is to say, the municipal magistrates of Barcelona, published divers regulations on marine insurance, quoted as the Regulations of Barcelona. They are usually printed together with the Consulate of the Sea. *(Emérigon, Des Assurances, préf. p.* 12.*)*

In 1551, Charles V published regulations concerning maritime commerce at Brussels, which were afterwards improved by his son Philip. They are denominated the Caroline Laws. *(Emérigon, Des Assurances, préf. p.* 12, 13.

At the end of the sixteenth and beginning of the seventeenth centuries appeared the Laws of the Hanse-Towns. The nature of this confederation, the celebrity it acquired and the opulence of the towns composing it, are too well known to need repetition. In 1591 the deputies of the towns in the league assembled at Lubeck, and enacted a system of regulations for the government of their extensive commerce. They are printed in French in the *Us et Coutumes de la Mer, (p.* 186,) and in English in the *Sea-Laws, (p.* 195 *et seqq.)* and in *Peters' Admiralty Decisions. (Vol.* i, *ap. p.* 96 *et seqq.)* Afterwards in 1714 the consuls and deputies of the same free cities again assembled and published more copious and improved regulations than the first, which, now that the Hanse-Towns are comparatively speaking obscured by the might and wealth of other cities, which have grown up around them, will ever endure as testimonies of their early reputation, wisdom and

splendor. *(Emérigon, Des Assurances, préf. p.* 13; *Sea-Laws, p.* 190—194; *Peters' Adm. Decis.* i, *ap. p.* 93—95; *Schomberg's Obs. Rhod. Laws, p.* 106; *Park's Syst. of Insurance, int. p.* 50, 51; *Azuni's Maritime Law,* i, 388 *et seqq.)* They are found in German and Latin, together with a learned commentary, in the *Jus Maritimum Hanseaticum.*

Beside these principal ancient marine regulations, Philip II, in 1593, enacted an Ordinance for the Insurances of the Exchange of Antwerp, and in 1598 the city of Amsterdam compiled a Custumary of Insurances, both of which are printed in the *Us et Coutumes de la Mer. (Emérigon, Des Assurances, préf. p.* 14; *Cleirac, Us et Coutumes de la Mer, pt.* ii; *Verwer's Nederlandts See Rechten.)*

The last code of old maritime laws deserving attention is the Marine Ordinance of Louis XIV. Superseding all former laws on the subject, and incorporating into itself all that was most admirable in other ordinances, it merits a more detailed notice in this place, from the constant reference to it in the preceding treatise by Pothier. Among the numerous projects of national aggrandisement entertained by Louis XIV, that for extending the commerce of his kingdom was early conceived and assiduously promoted by every means in his power. Colonial establishments were increased and regulated by him, navigation was encouraged, manufactories were established, the administration of justice and of the finances was reformed, and, as a certain method of attaining his object, a new code of marine rules and decisions was promulgated. *(Ordon. de la Marine, préamb.)* The design of it is attributed to the genius of Colbert. *(Sea-Laws, p.* 250.*)* This enterprising minister caused all the marine laws of his own and of other countries to be drawn together, carefully collated, explained by citations from all the writers on the subject, and illustrated by the annotations of those learned men employed in the work. In the mean time the Marquis of Thibouville *(Henri Lambert)* received a commission authorizing and requiring of him to visit all the harbors and maritime towns of the kingdom, to inquire into the laws, rules and usages there prevailing, and to examine the registries and collect the decisions of admiralty courts. The materials obtained by this laborious process were next digested and abridged, then submitted to the perusal of merchants and advocates, and, when improved by the addition of new regulations adapted to the state of the country and the views of the king, promulgated in 1681 as the sole authentic marine laws of the kingdom of France. *(Valin Nouveau Commentaire, préf.; Emérigon, Des Assurances, préf.; Peters' Adm. Decis.* ii, *ap.)*

Who was the able writer of this Ordinance it is impossible to determine with certainty; for, although several persons have been named as such, Valin confidently denies that there is any evidence to prove either of them entitled to the honor. Whosoever he may have been, every author of every nation allows, that he collected all that was most wise, most useful and most important in the maritime usages of Europe. The indisputable justice of the general principles of this Ordinance, the precision and comprehensiveness of its language, and the methodical nature of its arrangement, gave it the greatest authority, not merely in France, where it was so long the law of the land, but in every country which esteemed sound laws or aspired after superiority on the seas. (*Marshall on Insurance, p.* 18; *Abbott on Shipping, pref.; North Am. Rev.* vii, 340; *Park, Sys. of Insurance, int. p.* 33.)

Art. II.—*On the complaints in America against the British Press. An Essay in the New London Monthly Magazine for February*, 1821.

The laws of reviewing, like the laws of war, seem to have provided some small alleviations for the inherent cruelty of the pursuit. In war, it is considered honorable and lawful, to storm a town and put man, woman, and child to the sword; and to turn armies into a defenceless district and subsist them on the plunder of a ruined peasantry is a practice, if not formally authorized by the international code, far too common to be thought strange. But to poison wells and massacre unarmed prisoners are held highly inhuman and barbarous; and it takes a good deal of patient reasoning on the one hand to reconcile a person of timid nerves to an unrestrained use of Congreve rockets, charged 'with tartarean sulphur and strange fire,' or to bring him wholly to feel delight, on the other hand, in the torpedo that floats unsuspiciously down beneath the surface of the waters, and blows up a frigate in the dark. So in reviewing, and we may say periodical and anonymous writing in general, to judge from the most respectable precedents on both sides of the water, a pretty wide range is authorized by the common law of the literary republic; and it is permitted under the names of remark, stricture, observation, and reply, to mix up a good share of heterogeneous materials, and to make tolerably free use of that particular figure of speech,

which the gods call misrepresentation, but for which the plain spoken men have invented a shorter name. All this, however, is thought to fall within the limits of authorized literary warfare; while a kind of sullen courtesy dictates an abstinence from gross personalities, and has especially made it a part of etiquette, in the various critical journals of a respectable class, to abstain from direct controversy with each other. We have no disposition to break through this usage, as regards our brethren beyond the sea; if indeed we be not too humble to have a right to avail ourselves of it. We have accordingly confined ourselves, in general, to those passing allusions and references, which cannot well be spared in a journal, that would keep the current of the literature of the day; and in a single instance only have ever undertaken a formal reply to any thing, which has appeared in the English periodical works. We are led to wish to continue in this course, not the more from considerations of propriety, than of convenience. A half anonymous controversy is a game too unequal to be wisely played; and in engaging in it one is never sure that he may not find himself involved in a contest with those who, however weak their cause, possess the advantage of having nothing at stake; whom it is impossible to silence, and no credit to refute.

The essay at the head of this article has appeared to us to justify a departure from the general practice, and to form an exception to the maxims to which we have alluded. It comes before the world, under the sanction of a journal, for which has been industriously claimed the recommendation of a name, to which none would pay a more cordial deference than ourselves. We have strong reasons, which will appear in the course of our remarks, for hoping, as well as believing, that no sanction is due from that quarter, to the statements made and sentiments expressed in the essay in question. We are willing, however, to testify our regard to the distinguished person who has been represented as the conductor of the New Monthly Magazine, by a more particular notice than we should otherwise permit ourselves of remarks, which we are compelled to think not to be throughout deserving of his patronage. We do this the rather as the essay in question furnishes us with a convenient opportunity of illustrating the mode of speaking and writing, with regard to this country, which still finds favor in England; of which, being itself expressly occupied in treating the subject, it must be allowed to be a fair example.

The essay in question professes to speak of 'the complaints in America against the British press;' and the immediate topics of it are suggested by *Mr Walsh's Appeal*, and the review of that work in our own journal for April 1820. The spirit, in which this production is written may be estimated from the motives ascribed, in its first paragraph, to those American writers, who defend their country against the alleged injuries done her, by the English press. These are compendiously assumed to be 'the ambition of a self-sufficient and irritable author to create a bustle about himself,' or if not that, a more expanded fretfulness in behalf of his country. We think that the imputation of such motives and feelings would come better at the end, than at the beginning of an article; and we see nothing to exempt it from the operation of the common law of construction, that promptly to ascribe mean and unworthy springs of action, proves nothing so certainly, as that he who makes the charge is himself obnoxious to it. This holds in all cases. But when one looks at the present case, and considers how much has been said to the disparagement of this country in England, in all quarters alike the low and the high; the number of low bred persons who have fled, some of them from the clutches of justice in their own country, to traverse and vilify ours, and whose slanders, by being incorporated into the most respectable literary journals, have acquired an importance, to which even the strongest complaisance in them would not otherwise have raised them; when one considers that from the correspondence of a minister of state down to the schoolboy's declamation, the English public has shown itself a too willing patron of abuse of America, we do think it somewhat unfair to speak of any reply on our part, however passionate in itself, as irritable and fretful. Our press was long, very long silent; and did little but meekly reprint the calumnies, which were sent over to us, as our brethren at Edinburgh justly state, in another connexion, 'by the bale and the ship load.' And now that Mr Walsh has thought proper to lay before the public a most ample refutation of most of these aspersions, and what probably constitutes the main indication of 'irritability and fretfulness,' an alarming offset and parallel to most of the dark shades, with which the English pencil has saddened the portrait of America; and now that we, in our humble capacity, have reviewed that work, in a style sinning, we are quite sure, far more by its temperance than its warmth, we

hold it no strong trait of generous warfare, to give us no credit for better motives and a better spirit. Nor is the regret with which we notice this general want of liberality at all diminished, by the particular allegations and statements of the writer of the essay. We hope it is not wholly our American simplicity, that makes us turn with something like disgust from charges of 'considerable exaggeration, and occasionally, we regret to observe, either direct falsehoods or suppressions that amount to falsehoods,' made in the first instance against individuals, who were entitled to that politeness at least, which is due to all of whom we speak by name. And when we add, what will not have escaped the readers of the essay in question, that these charges of falsehood and suppression want the only sanction which should have induced any one to make them—the sanction of a clear specification and distinct proof, we think we have given one good reason for doubting whether the essay be entitled to protection, as coming from the respectable source to which it has been ascribed.

We know not but we shall expose ourselves to a repetition of the charge of fretful and irritable retort; but being thus accused before the American and English public of 'direct falsehoods, or suppressions that amount to falsehoods,' we shall ask our readers' attention to one or two passages, which will show at least with what clearness of conscience the author of this essay has cast the first stone. 'We can perceive,' says he, 'from the tone of Mr Walsh's book and of his Boston reviewer, that they have taken up the affair, in a spirit far exceeding that of an ordinary literary quarrel. *They have labored hard to impress upon America, that she has become in this country the object of systematic hatred and contumely.*' This is distinct and tangible. We therefore ask our readers' permission to repeat a few lines from our article, which is alluded to by this writer, and on which, as far as we are concerned, he rests his assertion. After having stated our opinion, that the praise and blame, alternately bestowed on America in England, have often had no other foundation in that country, than reasons of party annoyance, on the part of the ministry and opposition respectively, we add, 'meantime we, who like all honest people wish to be thought and spoken well of in the world, and are sorely perplexed with this pitiless pelting from all quarters, are *too apt*, it may be, to generalize on the subject, and to suppose that there is a systematic and organized

hostility to us in England, when perhaps the symptoms, which seem to indicate such an hostility, *may be more easily accounted for.*'* We then proceed to find this account partly in the wish of the English government to discourage emigration; but still more in the fault finding spirit apt to infest not only English travellers in America, but all travellers in all countries. We particularly quote other instances of this, in the case of other nations, and we express the opinion, that much of what has found its way into the most respectable journals in England is to be laid to the personal account of the unknown individual writers. Nor is it, till after all these qualifications, that we add the remark, 'that we do not wish to have it inferred that there is really no settled, regular hostility to America, *in any portion* of the English community.' And we explain this portion to be the relics of the old anti-American party of the revolutionary age. Now after these statements and qualifications, in making which we certainly could not expect the approbation of a large portion of our readers who are disposed to carry much farther than we their conceptions of British hostility, it gives us no very exalted opinion of the candor of this writer, or of the conscientiousness with which he deals out his charges of falsehood, to find him accusing us 'of labouring hard to impress upon America, that she has become in England the object of systematic hatred and contumely.' But we hope to make this matter a little plainer, and settle one point at least in the controversy, viz: the discretion of this combatant. 'With the generality of our readers,' saith he, 'it might indeed be sufficient to assert and to appeal to their own knowledge of the fact, that in this country America is the object of no such hatred or contempt; but as the Boston critic has boldly cited some *examples to the contrary*, we may as well stop to examine how far his selection has been fortunate.' He accordingly quotes, as one of the examples of systematic hatred and contempt, boldly cited by us, the article on America, in the sixty first number of the Edinburgh Review, an article which we *on the contrary* cite as an example of the very reverse, and on which we make this remark; 'many of the attacks made on us, especially in the journals of the opposition, may well be ascribed to the personal feeling of the unknown individual who writes them, and

* North American Review, vol. x. p. 337.

not to any supposed party, far less of the nation.' Though this writer, therefore, 'did well to stop to examine how far our selection had been fortunate,' he would have done better to stop longer, and be sure that he did not represent us as citing that for one purpose, which we cited for the very opposite.

Though somewhat weary of pursuing this topic, we shall furnish a little further illustration of the principles of this writer, who calls persons by name, and charges them with falsehood. 'Here is praise enough, one should think, for national vanity of an ordinary appetite, but Mr Smith has had the arrogance to glance at two little facts,—upon the first of which the Boston critic seems particularly sore,—the scantiness of their native literature, and the institution of slavery, the greatest curse and stain upon a civilized community; and this foul proceeding on the part of the reverend reviewer has cancelled all the merit of his previous panegyric.' Here are implied two facts, one that we shewed ourselves 'to be sore on the subject of the scantiness of the American literature;' the second, that we took offence at the reviewer's allusion to the existence of slavery in this country. To these charges we have to reply, that in all our article there is no allusion whatever, to the subject of the scantiness of our national literature; there is no attempt made to explain, to deny, to palliate it; the topic is not glanced at. As to slavery, after proving that 'this greatest curse and stain upon a civilized community' was introduced into America, while it was a colony of England, supported here by the English government against the express petitions of the colonists, and checked by legal and constitutional provisions against the slave trade twenty and thirty years before the English abolition, our remarks had no further object, than to deplore the decision of the Missouri question made by Congress in 1820; remarks, for which we were duly censured, in the journals of the Southern States. We trust, moreover, that there are not many Englishmen who will deny the justice of the following observation made in the same connexion: 'As far as the reproach of holding slaves goes, England is as deeply involved in it as America; her colonies being all stocked with them, the fruits of their labours regularly sent home to old England, and their treatment no better, if as good, as in America.' Whatever may be thought of this, we did not prepare ourselves to be accused as the champions of

slavery, nor do we think such a charge reflects great credit on the discrimination of him who makes it.

There are one or two other illustrations of the principles, on which this writer thinks it proper to conduct controversy, but we are satiated with these. We proceed to what is of far greater moment than himself or ourselves, that is, the real merits of the dispute between England and America, as far as they are touched in this essay. And here we shall pursue no close method, but take up the different points, as they are successively suggested by this writer.

The first then, which demands attention, is one of importance. The author of this essay would persuade us, that the abuse, of which America complains on the part of England, is only a little harmless pleasantry. 'Did they never pass by one of our caricature shops, where kings and queens, ministers and oppositionists, judges and bishops, and every man, woman, and child, who has had the good fortune to be of sufficient celebrity for the purpose, are regularly gibbeted for the entertainment of a people, who consider one of their most glorious privileges to be that of laughing at their superiors?' Here we are almost afraid to expose ourselves to the ridicule of making a reply. We are afraid that our brethren of the English nation—known in either hemisphere for their modesty—are making game of us vain Americans. It cannot be with any other design than that of extorting amusement from our credulous self-conceit, that we are bid to put the Edinburgh Review and the Quarterly Review, and Lord Grey and Mr Canning, on the level with the makers and venders of caricatures, and our simple country on the height of kings and queens, judges and bishops; and that amidst all the charges rung upon us from 'grave to gay, from lively to severe,' we must remember it is only a rude, boisterous populace, laughing at their superiors. If we may venture to be serious, we would say, that while this injustice to our country was really confined to the low sources here pretended, a silence and disdain which they owed to themselves were maintained by the respectable writers of this country. It was only when tourists, to whom grammar was a mystery and a decent coat a despaired-of treasure, who fled from the English bailiffs to America and back again from the American constables to England, it was only when this worthy class of travellers was espoused, quoted, and believed, in the most respectable and honorable quarters, that we thought the quarrel worth taking up.

And here having reluctantly surprised ourselves in alluding to Mr Fearon, who must be amazed to hear his name so often quoted in good company, we shall take the liberty of showing cause why we shall continue, *not* 'to be angry,' against which the writer in the New Monthly Magazine warns us, but exceeding sorrowful, to have Lord Grey still appeal to him as a gentleman. This 'gentleman,' we have been well informed, had been an apprentice to a Jewish stocking weaver in England, and received the highest character for his knowledge of hosiery, from his worthy principal. The historical muse has hid in obscurity how long and patiently he toiled at the stocking loom and retailed its productions, by day, and lay down by night to enjoy that sleep that 'knits up the ravelled sleeve of care.' His merit could not long confine itself to this humble sphere, and at the time of his sailing for America, he had actually risen to be a member, whether as a partner, or, as they call a clerk who goes round the country to solicit orders and collect debts, a *traveller*, (an appellation doubly appropriate to most of these 'gentlemen' that visit us,) we know not, but in some capacity or other, he was actually a member of a very reputable trading house on Ludgate hill. On the arrival of this gentleman in America, he applied for admission at a genteel boarding house in New York, and received, we presume, much the same answer that Anacharsis did at the door of Solon, that he had better go back to Scythia. Our gentleman, however, would not be put off; and when told that the apartments were all full, prayed to be taken into an attic, occupied by the menial servants of the house. It being thought, possibly, that he was an applicant for the office as well as the lodging, of the servants, he was admitted into this same garret. What furniture he found there we know not, as we have only his own account, and how far that can be trusted our readers will judge by his adding, that he paid something more than four guineas a week! This we think will satisfy our readers as to the gentility of Mr Fearon, if it be any part of a gentleman's vocation not to take up with lodging in garrets, nor to bear false witness against his neighbour. But we really thought we went on safe ground, in the present case; and confess ourselves to have been a little confirmed in our idea of Mr Fearon's pretensions to gentility—which after all is a much less essential quality than veracity, to which we trust he does not even lay claim—by an authority which, if we mistake not,

stands high in the estimation of the writer in the New Monthly Magazine. A certain most respectable literary journal for the months of January and April, 1819, spoke 'of forty families resident, we believe, in the neighbourhood of Southwark, on whom to transfer their allegiance and their affections to another government, sits as lightly, as to remove, in the fashionable season, from the ward of Farringdon without, to Margate or Rotting Dean.' And this worthy community, continues the same document, selected and sent out Mr Henry Fearon to the United States, to explore the way before them, and to prepare for their own emigration.* Now we profess our little familiarity with the topography of London. We are so uninformed in this department, as not to know even the bearings of Farringdon within, far less of that, which is without; and as for Rotting Dean, it is terra incognita to us. By the time our country has sent to England a few such travellers as England is daily sending to us, we doubt not we shall be made better acquainted with these points of geography. Though, however, we know little of them, there is a certain sound in their names, and a lurking sneer in the air, with which our brethren of the Quarterly pronounce them, which lead us mainly to fear that they are not—to speak safely—the central abodes of British gentility. If we may trust a kind of instinct in such things, there is a misgiving in our minds that Farringdon without is not the first region, in which a countess in her own right would fix her abode, and that Rotting Dean after all, even in the fashionable season, is one thing, and Brighton another. And yet these are the seats of the forty families, whose ambassador is before us, in the person of Mr Fearon. 'What, says Pope, must be the priest where a monkey is the god?' If such were the principals, what must have been the agent? That nothing moreover might be wanting to establish us in this, we had Mr Cobbett's testimony in confirmation of that of the Quarterly Review; and he must be a surly skeptic indeed who would doubt the only proposition, in which we suppose these two authorities ever concurred.

The next topic, which offers itself to us, is suggested in the following sentence. 'Surely a moment's reflection might have shown them that, on such occasions, silence and good humour are the only effectual weapons of defence, and that no wise and sober American should feel serious alarm for the charac-

* Quarterly Review, vol. xxi, p. 125.

ter and dignity of his nation, even though a Scotch critic should make unreasonably light of Mr Joel Barlow's inspiration, or because Mr Sydney Smith's pen, in an hour of thoughtless gaiety, addressed some words of friendly admonition to the United States of America, under the homely appellation of Jonathan.' Now the objections we make to this insinuation, trifling as it is in itself, are, that it betrays a total ignorance of the real state of facts, on an important subject, which it professes to explain. Nothing is more notorious than that the Columbiad of Barlow, or of Mr *Joel* Barlow, for we perceive that this unlucky Old Testament name is no small part of the joke to our brethren abroad, nothing is more notorious, than that Barlow's Columbiad has ever been regarded by the judicious public of the United States, as a total failure; that it has been little read and less liked; and that on its appearance the critical journals of this country handled it quite as severely, if not as wittily, as those on the banks of the Thames or of the Forth. Had those, who accuse us or suspect us of feeling sore on the subject of the Columbiad, done us the favor to ascertain the real feeling of the intelligent portion of the American community, they would have found that no annoyance could ever be felt, but at the suspicion of being champions and patrons of the work; and that every American, solicitous for the repute in which the taste of his country would be held abroad, was afflicted that so unhappy a specimen of it should have appeared, with such typographical splendor, and with the air of a national work. So too of the multitude of new and worthless words, which were fabricated by the author of that poem. We can safely challenge all the critics and purists in England to produce criticisms more unsparing upon them, than those which teemed from the presses of this country. Nor do we confine our remarks to the coinage of Mr Barlow. The persecution of Americanisms at large has no where in Great Britain been pursued with as much keenness, as in this neighbourhood. We have in our view now a most learned individual of our Commonwealth, whose life has been devoted to the study of the English language in its sources, and whose success in these researches we believe to admit of honorable comparison with those of his most respectable colleagues abroad, who from his indiscreet haste of innovation and his patronage of sundry provincial terms, has found no favour, we had almost said no

mercy among those of his countrymen best able to do justice to his acquisitions. And yet American scholars are charged with patronising the innovations of Barlow.

The best written part of the essay before us is upon the state of the English language in America. We explained our views on this subject in our review of Mr Walsh's work, and the writer in question suggests nothing, which calls on us to correct them. We stated then, and we repeat now, that, on the whole, the English language is better spoken here than in England. We do not wish to be misunderstood; though we shall doubtless be misrepresented. We did not affect to say, that the English language was better spoken by well educated individuals in America than by well educated individuals in England; but we sufficiently explained ourselves as maintaining that the corruption of the language has gone so far in no part of America, as in the heart of the English counties. As to the specimens of the pretended American dialect found in such writers as Mr Fearon, we doubt not the populace of Boston, New York, and Philadelphia may speak basely enough, and we cheerfully concede to Mr Fearon a degree of intimacy in the porter-houses and oyster-boats of those cities, which enables him to speak to this point, with far more confidence than ourselves. We pity, however, any fair minded Englishman, who can suppose for a moment that there is any truth in all his dialogues and conversations; and whose knowledge of human nature, if nothing else, does not teach him, that they are wretched fabrications, compiled from a few local observations among such associates, as an ordinary foreigner falls in with. Whence should we learn our bad English? We are derided and taunted with our dependence on the English press. We are scorned for the poverty of our own literature. It is well known that our children's books are English; that many of our text books at the colleges are English; that our standard professional works are English; that we reprint every English work of merit before it is dry from the English press; that our stage is supplied—miserably supplied too, in all the modern drama—from England; that the English version of the Scriptures, from which the majority of our community imbibes by far the greater part of its English, is venerated as much here as in England; that Byron, and Campbell, and Southey, and Scott, are as familiar to us as to their countrymen; that we receive the first sheets of 'the new novel,'

before the last are thrown off in Edinburgh: and how is it possible then that we should not speak good English?

Moreover, as to the standard of the language, the writer, on whom we are remarking, very justly says, 'that when we speak of the period, at which a language becomes *fixed*, we seldom annex a very definite or accurate meaning to the expression;' and he proceeds correctly to state, that the period, in which a language is fixed, is that in which its best writers flourish; and of course not to be ascertained by contemporaries, who cannot tell that better may not arise, than any who have gone before. Had this judicious conception always regulated the English critics, who have exercised themselves on Americanisms, they would have spared themselves much trouble. They would not have been at the pains of turning over the leaves of their Johnson's Dictionary to see if a word were there, and if they found it not, of branding it as an Americanism. But considering that language is a fluctuating thing, never stable, but constantly on the improvement or decline, or at any rate changing, they would have asked, whether it were not possible that a good and useful word brought to America by its first settlers, and of approved use in their day, might not have survived on this side of the water, while it was lost on the English side; and if so, whether we or they, in respect to said word, have done the language most harm. Again, they would have considered whether a few such words as *congressional*, of, or belonging to a body of representatives equally chosen by the people, a sort of body, we believe, unknown in England; or *presidential*, of, or belonging to a chief magistrate ruling by the consent of the people, an idea also not familiar to the old world,—whether a few such terms, forced upon us by the peculiarity of our institutions, really furnish any ground for the charge of corrupting the language. Though we assent to the doctrines on the subject of language which this writer holds, and will not allow ourselves, even by his positive assertion, to be put on the other side of the question, and made the champions of any new fangled dialect whatever; yet he errs in one thing, in saying that it is '*only* by the great writers that any authoritative and permanent innovations can be made.' The great writers like the small ones are much in the condition of Augustus, and *make* far fewer alterations, than might at first be thought. With some improvement, with the introduction of a few terms from a foreign or learned tongue,

with a little more regularity perhaps than the common parlance observes, they must write the prevailing dialect of the day. They record the innovations, which time and political causes have produced. Who were the great writers between Homer and the Attic dramatists, that converted the language from the Ionian to the Attic dialect? Who were the great writers that translated the Latin of the Salian Songs into that of Plautus? Who were the great writers that formed that 'illustrious vulgar tongue,' of which Dante speaks, which he did not make, but found; and who were the great writers that transformed the Saxon of King Alfred into the English of Chaucer? It is a well known fact, that a written literature does not hasten, but delays these innovations, and that new languages almost spring up in barbarous tribes, among which there is no writing, in the time that it takes to produce a little change of orthography, in the language of a writing and reading community. We, it is true, have gone through great and wonderful political changes since the settlement of our country. It would have been natural that the human mind, transplanted to such new and untried scenes of action, should have moulded more to its new purposes and wants, this most flexible instrument of its will. But we have been fast anchored to the rock of English literature. There has never been a period, in which this did not constitute the far greater part of our intellectual aliment; and if any proof were wanted of the fact, it would be this, that a thousand leagues across the water as we are, the language has been going through the same changes on both sides the ocean. With the exception of some half dozen words, which have been preserved here and are obsolete there, and perhaps as many more of which the reverse holds, the sympathy kept up by means of the press has been so entire and perfect, that even down to cant words, and those indefinable shades of meaning which play on the top of social intercourse, and find their way into no book but of the most light and ephemeral cast, there is still an identity in the language. No one able to make the comparison can or will deny this. To charge us therefore with affecting a new language, we must needs repeat it, is a calumny; to charge us with actually writing or speaking a corrupt dialect is equally so. And we should be glad to know with what reason the peculiarities of individual American writers, industriously culled and exaggerated, furnish any better ground for a charge of corruption

against the language generally prevailing here, than similar peculiarities in English writers, for a similar accusation against the purity of the tongue as written and spoken in England. We presume that the press set up by the American missionaries in the Sandwich Islands will furnish a good deal better English, than Mr Bentham's Church-of-Englandism, and we protest our inability to see why we should, as Americans, be made to answer for Mr Barlow's new words, any more than the English public for Mr Bentham's.

We come now to a character, which this writer thinks fit to attribute to the large majority of American travellers in Europe, whom from personal observation he undertakes to say are 'vulgar, vain, and boisterous; of common place and limited acquirements, whose conversation is made up of violent declamations against slavery, [*Americé* monarchy,] and as loud assertions of the superiority of America, over all the countries of the globe.' Now we presume the writer would not undertake to speak from personal acquaintance, as he does, of any but those whom he had actually had the misfortune to know; and if it is really true, that the great majority of American travellers whom he has known are of this sorry description, he has been more unlucky in the choice of his company, than commonly happens to a man, by no fault of his own. An occasional acquaintance of no very agreeable cast may now and then be forced upon one, and hospitality is sometimes put to severe exercises, by an unjustifiable facility of obtaining introductions. But where the large majority of a man's acquaintance, with any class of men, consists of the vulgar, vain, and boisterous, it is apt to awaken a suspicion of his own fine qualities. There is another unfortunate hint in the description given by this writer of a better sort of American travellers, of whom he has had the good fortune to know 'several;' a hint which convinces us that this whole discrimination is imaginary, and that he is really in total ignorance of the opinions, which Americans carry to England, form there, or bring back. He says, that among the American travellers he has known, 'were several, who might be compared with the best specimens of the best classes of any community, that can be named—accomplished gentlemen and scholars, who had crossed the seas for the honorable purpose of enlarging their views, and *travelling down their prejudices*,' &c. It is this last clause, on which we propose to remark; but would first observe, that

the passage we have cited, if sincerely meant, goes well nigh to refute all that has ever been said in England against America, and much that is asserted by this writer, in the sequel of his observations. What, accomplished gentlemen and scholars, who might be compared with the best specimens of the best classes in England!—Where born, where bred, where educated? In America? In Mr Bristed's America; in Mr Fearon's America?—Gentlemen, in that country where the emigrant is told that 'he must live in loneliness, dejection, and despair, with the certainty of receiving at last, the burial of a dog, and the memorial of a ditch, or puddle?'—Scholars, from a country, where they speak the nauseous ribaldry quoted from Fearon, by his Reviewers? Persons to be compared with the best specimens of English society from that country, where 'there is a total absence of early religious education; from a country 'yet in its infancy?' Is this agreeable to the nature of human things; and would not the appearance of one, or two, or three such persons as are described, prove the falsehood of the common pictures of America, to the satisfaction of any one, who considers that manners are not formed by the individual, but caught from the circle around, and that education is derived from institutions implying public support and public resort? But we proposed to show that this writer speaks without information on the topic, and that, alike where he praises as where he condemns. He mentions *the travelling down of prejudices*, as one of the characteristics of respectable American travellers. From the connexion in which this remark is made, it is fair to conclude that it was intended to refer to extravagant republican and *anti-Britannic* prejudices, and that it is these, that the intelligent Americans *travel down* in England. On this head, we shall but state the fact, and leave the inference to be made by our readers. It is well known, that, till the close of the late war, a strong partiality for the English name and character was felt by one portion of the American community; a portion which yielded to none other, in any kind of respectability. It is no part of our purpose here to inquire into the grounds of this partiality. We think them to have been natural, nay honorable. It is equally true, that since the late war, this feeling has been declining; a fact equally notorious, but also not one, which we are concerned now to explain. There is no part of America from which more persons, in proportion to the population, have

of late years visited Europe, than that which was also the centre of this warm British feeling; and the majority of those who went abroad may therefore fairly be presumed to have carried this prejudice in favor of England with them. We hope moreover that this fact will make the writer in the New Monthly Magazine willing to find among them a fair proportion of his better class of American travellers. And yet it is a fact, of which no one this side the water needs the proof, that almost without exception, those, who have gone abroad with the warmest zeal for every thing which bore the British name, have come back with moderated feelings. Our memory scarce supplies an instance of an individual, of consequence enough to have his opinions known, who has not been cured of the Anglo-mania, if he had it, by going to England. The prejudice they have travelled down has been the insensibility to the worth of their own happy country, and an exaggerated estimate of European superiority. The causes of this have been chiefly two. The one is the old cause, *præsentia minuit famam*, and the discovery that with all the glory, wealth, and strength of England, all the public magnificence and private comfort, all the noble institutions, the venerable characters, the hearty hospitality which command the respect, admiration, or gratitude of the traveller, there are defects of which he had formed no adequate conception, and which show that things are severely balanced in the system of Providence. But there is another cause and one far more operative, why the partiality which an American traveller carries to England is diminished there: and we quote it with the simple design of corroborating the statement, that justice is not done us in that country. It is this,—when an American goes to England he leaves his party politics behind him; he is no longer a friend of England or a friend of France, but he is an American; and he is exhausted with finding the most absurd misrepresentations of his country credited, and the ignorance which prevails with regard to us, equalled only by the positiveness of those who labor under it. Now a man must have a constitution which we are sure no high spirited Englishman would for a moment approve, who could be so bribed and soothed by private courtesies and personal hospitality, however kind and hearty, and no where in Europe are these so kind and hearty as in England, as to be reconciled to this estimation in which his country is held, and ever has been

held, to this contumely with which she is too often treated. Accordingly it is a fact, exceedingly notorious, that the warm attachment to England carried to that country by many of the most respectable Americans, who have visited it, has been much diminished on their return. If there be exceptions to this, they are but exceptions. And no single circumstance not of greater consequence, is a matter of more familiar observation, than that a voyage to England is the sovereign remedy for an excessive attachment to that country. Philosophical and candid minds will of course prevent this from running to the opposite extreme. They will not allow the estimation, in which they hold the land of their fathers, the land from which they derive their language, their laws, and their manners, to be permanently affected by the unkindness or injustice with which America is treated in England. They do not allow that England and the great treasure of its illustrious names belong so exclusively to the present generation of men, that we, whose fathers were Englishmen and in whose country English principles of liberty have taken deeper root and produced finer fruit than they have done in their own soil, are not entitled to our full share of the inheritance. But we repeat the assertion, that if, among the prejudices of intelligent and liberal Americans, alluded to by this writer, coolness to England is to be reckoned, for one instance where this prejudice is travelled down, we are acquainted with ten, where it is travelled up ;—and that in general, it is only on his return to his native land, and by studious abstinence from the vehicles of aspersion, and by dispassionate weighing of the great merits of the English character, and fond gazing on the bright spots in their history, that the best disposed American becomes able at last again to say,

'England, with all thy faults, I love thee still.'

The next subject of remark, which is suggested to us, is treated in a series of sentences pleasant enough in themselves, and which, if meant only as pleasantry, would have called for no reply from us, as containing a charge against the American character. If, however, any thing serious is intended, as we presume, from the pains which the writer is at, to ring the changes on one idea, through a page or more of his essay, then we would rejoin, that to one half of his charge there is no foundation in fact, and that what is true of it, instead of being,

as he designs it, a matter of ridicule and reproach, reflects nothing but honor on our country. We quote for the edification of our readers a part of the passage in question.

'This irritable and exaggerated self love arises from a striking peculiarity in the foundation of an American's national vanity. Other nations boast of what they are or have been—but a true citizen of the United States exalts his head to the skies, in the contemplation of the FUTURE grandeur of his country. With him, the pride of pedigree is reversed. Others claim respect and honor, through a line of renowned ancestors; an American glories in the achievements of a distant posterity. Others appeal to history; an American to prophecy. The latter modestly calls on us to discount his predictions, and, on no better security, to hand him over the full amount of ready praise. His visions are like those of the Trojan prince in Elysium, gazing with anticipated rapture on the passing forms of his illustrious descendants. You must beware how you speak of a worthy native of Kentucky, as the son of a respectable planter. No, no, "you do'nt catch the thing at all." He is to be considered and duly venerated as the great grandfather of some immortal warrior, legislator, or poet. This system of raising a fictitious capital of renown, which his posterity is to pay off (an invention much resembling our financial anticipations) is the secret of an American's extraordinary pretensions, and of his soreness when they are not allowed. With Malthus in one hand, and a map of the back settlements in the other, he boldly defies us with a comparison of America, *as she is to be*, and chuckles with precocious exultation over the splendors which "the geometrical ratio" is to shed upon her story. This appeal to the future is his never failing resource. If an English traveller complains of their inns, and hints his dislike to sleeping three or four in a bed, first he is a calumniator; and next he is advised to suspend his opinion of the matter, until another century shall demonstrate the superiority of their accommodations. So in matters of literature and science, if Shakspeare, and Milton, and Newton be named, we are told to "wait till these few millions of acres be cleared, when we shall have idle time to attend to other things, only wait till the year 1900 or 2000 and then the world shall see how much nobler our poets, and profounder our astronomers and longer our telescopes than that decrepid old atmosphere of yours could produce."'

This is very pleasant. We are not sure that it is meant for any thing more, and with pleasantry no one is ill-natured enough to enter strictly into judgment. If, however, the writer means to be believed for a moment as speaking truth,

when he hints that Shakspeare, and Milton, and Newton are not prized in America as they are in England, and especially if in marking his last sentence in inverted commas, he means to have it understood that he has found that passage in any American authority, then we take leave to say that his remark borders hard upon that species of fiction, which is not thought particularly becoming a man of veracity; and instead of being in any degree borrowed from American writers, is an amplification, neither very ingenious nor very neat, of a passage in an Edinburgh Review on the subject of our country. As for the rest it is of course mere caricature. There is hardly as much justice in it, as there would be in the following humble parody. 'The characteristic vanity of the English nation springs from an extraordinary and unusual source. Other nations boast of what they are or hope, in the natural progress of things, to be; an Englishmen boasts of glories which are faded, and ages which are gone by. For that natural complacence, which a man has a right to feel, in the fruit of his own labors, the success of his own efforts, and the happy consequences of institutions, to the formation of which he has himself contributed, a Briton carries you back to an ancestry, from which he has degenerated, and to an inheritance which he has squandered and lost. He suspends his habeas corpus, and tells you he is the champion of liberty, because Hampden would not pay the ship money, and he turns out his dragoons on an unarmed populace, and quotes you the glorious provisions of the bill of rights. Others appeal to futurity, and rejoice in the train of blessings, of which they have done all they can to insure the succession; an Englishman's glories are laid up in the records of the herald's office, and he goes to the antiquary and the historian for something to be proud of. An American bids you look at the rulers, which he has chosen to rule over him, and who will therefore consult his welfare; a Briton reminds you of the brave barons of Runnymede. Other nations in decline assume a grave and chastised manner, and say little of glory or greatness; an Englishman tells you of the days when his "highness in his infancy was crowned in Paris." Address a thriving citizen of Abergele by the title of mister, and he will tell you the glorious tale of the Morva Rudlan, or lead you back to the illustrious era of Caractacus. Other nations boast of the literature they have or the taste which is maturing among them; an Englishman, with O'Keefe and Reynolds on

his stage, will talk to you of Shakspeare and Johnson, and bid you crown him with bays, because his great grandfather could remember the Augustan age. An American's heart dilates at the prospect of the glorious career before him, which he and his children are to travel; an Englishman looks up to the summits from which he has descended, and tells you how high they be. The visions of other nations are like Berecynthia's on Olympus,

> "Who sees around her, in the blest abode
> A hundred sons and every son a god,"

but an Englishman goes down to the shades, and evokes the dark and misty spirits of the ages that were.'

In all this and much more, which the ingenious hints of the New Monthly Magazine might suggest, we honestly profess there is not the shadow of justice, and we feel almost ashamed of ourselves for indulging in it. We mean it as a pendant for his own absurd picture of American vanity. One thing we ought to thank him for, could we possibly believe that it did not proceed from oversight. In saying that our vanity is prospective, that other nations boast of what they are or have been, but we of our future grandeur, he acquits us of voluminous charges of vanity and self-conceit, with which the writings of his countrymen abound. He acquits us of any exultation, at having been the first to exhibit to the world a true model of representative government, of having set the example to mankind of an equal deputation of power in the compound ratio of property and numbers, a principle no more exemplified in the British parliament than in the Turkish divan; he exonerates us from all conceit at the compliments paid by Mr Burke to the enterprize of our citizens, and by Lord Chatham to the wisdom and skill of our statesmen; with all our 'exaggerated self-love,' he acknowledges that we bear meekly the glory of having with most disproportioned means successfully withstood the force of the British Empire, and raised ourselves from the degradation of colonies to a level with the most powerful nations of the earth; he grants that we demand no credit for Franklin and Washington, whose names, says Herder, are those, by which the eighteenth century will be quoted; he gives the lie to all the tales, which have circulated in octavo and quarto, of our being vain of the naval achievements of the late war; and though before the close of his remarks, he forgets himself, and tells us that America is 'do-

ing wonders,' and gives us credit for the formation of 'a great empire, resembling in its best points the best times of Great Britain;' he acquits us of all vanity and self-gratulation on this flattering score, and gives us credit for the extraordinary self-denial of appealing to prophecy, and demanding a discount of ready praise for what our posterity are to do in the year 2000. Now if the writer is sincere, we really think that his charge of 'irritable and exaggerated self-love' is badly made out; that he cannot expect to be believed, when he accuses us of vanity and self-sufficiency; and that he would have better consulted the interests of his argument, to take care how his pleasantry bore upon his logic.

But to argue this point of boasting a little closer, we are not sure, upon the whole, that we Americans have not the better side of the question, even in our writer's own grotesque picture. He tells us that while others appeal to history, we appeal to prophecy, and that while an Englishman boasts of his grandfather, an American boasts of his grandchildren. Mere boasting is no very reputable practice on any score, even that of personal merit; and the true notion we apprehend to be, to abstain from it altogether, even in reference to excellences, which a man may think he possesses himself. This is peculiarly true of national boasting, or what the rhetoricians call *jactatio reipublicæ causâ*, because it is ten to one that the man, who takes on himself to be the organ of his countrymen on these occasions, shall be the last in the community entitled to any credit for the alleged excellence. It has but a sorry appearance to see a stupid, common-place, selfish American or Englishman boasting of their Pitts or their Hamiltons, and taking a portion of credit to themselves for talents, they do not share, and for actions they did not accomplish. But inasmuch as merit is personal, and all self-complacency, if excusable at all, is so in proportion as it proceeds from personal merit, we do hold, with all submission, that to boast of our posterity is more rational than to boast of our ancestors, nay of ourselves. What our nation has been, and, in a good degree, what it is, are beyond our control. To our fathers' glory we contributed nothing; and our own institutions, at least in the old countries, do our wisdom and virtue no more credit than the beautiful architecture of a house, built a hundred years before we were born, does our taste. But what our children and posterity will be depends mainly on us. If we hand

them down an inheritance unburdened with debt, and with dangerous precedents of power encroaching on right; if we abstain from the sacrifice of our children's happiness to our own ease; if we so administer the republic that those who come after us shall bless our memory; if, disdaining temporary expedients, we can lay claim to the credit of having left the law unincumbered and sovereign, and the practice sound and faithful, and of having laid up more examples to be imitated than errors to be amended, then we think it quite fair, quite natural to 'appeal to posterity;' then we think we have a right to make 'a prophetic boast,' and that the assurance that some good is likely to come out of what we have done or forborne is a better ground of complacence, than the benefits we have received from our ancestors. It is true the future glory is uncertain, the past is sure: but it is also as sure that the credit of it belongs not to us; and we cannot be so faithless in transmitting our institutions to our descendants, but after all, we imagine we shall do as much for them, as any nation has done for its ancestors. We suppose our writer will set it down to our republican prejudices, and quote it as an instance, that monarchy reads *Americé* slavery. Yet we always thought that Marius had the better of this argument, and we beg leave to say with him, 'Nunc videte quam iniqui sint. Quod ex aliena virtute sibi arrogant, id mihi ex mea non concedunt; silicet quia imagines non habeo, et quia mihi nobilitas nova est, quam certe peperisse melius est, quam receptam corrupisse.'

But we would not have it thought, from this quotation or any other remark we have made, that we allow ourselves to be carried beyond the bounds of justice and of our own opinion, by a foolish extravagance of retorting. We do not wish to say that we look upon the English nation, as in a state of decline. There are certainly considerable evils in the state of the country. A high authority pronounces the poor rates an evil, which can neither be remedied nor borne, and another authority on the other side equally high, says the corruption of parliament has reached a ruinous point; while the national debt exceeds, by nearly ten times, the amount which Hume declared must produce a bankruptcy. With all this, we believe, we certainly hope, that England will long survive, and exert her present preponderance in the world. Not certainly that we think her influence always brought into action as it ought to be, but because we see not the spot on the map of Europe, to

which it could be safely transferred; and because we look upon ourselves to be quite too immature, to engage with prudence, in European politics. England, moreover, has a tower of strength, a great depository of moral and physical power, in her numerous orderly, intelligent, middling class, which the corruptions, that exist in the two extremes of society, have as yet scarcely touched. And ages we trust will pass by, before the happy abodes of this virtuous community, will feel the overwhelming power of political and moral degeneracy and corruption. We wish this for the sake of humanity, order, and peace abroad, of which the English character is certainly the great assurance. Still, however, and it is a topic which for its gravity ought scarcely to find its place in a connexion with our foregoing remarks, we suppose that nothing exempts England from the fate of kingdoms and empires, and that the thousand years which she has stood on the list of the great nations of the earth, must bear some assignable proportion to the period allotted her in the book of providence. We on the contrary are, if this writer pleases, in our infancy; at any rate quite unprepared to hold the scales of European politics. The influence we are to exert upon them hereafter, is a matter of momentous interest, and we think the happiness of the civilized world essentially involved in the turn, which our institutions and character take. It is for these therefore, that our politicians and statesmen ought to labor. Blest with a form of government and a state of society, which do not task to the uttermost all the energies of the state to keep the fabric together, it becomes our enlightened men to look to the future, to build for other times, to fit well together the parts of this great machine, so that the hour shall be long deferred when an ominous crashing shall be heard deep within the enginery, where none can venture in to repair it.

We would revert a moment to another topic of reproach, to which more than one allusion is made by this writer, we mean that of the existence of slavery in this country; a subject which we have already touched. 'He bids us make no fine speeches of freedom while a slave contaminates our soil,' and something like this was said by our brethren at Edinburgh about the extraordinary incongruity of our principles and practice, in that the clanking of chains and the sound of the scourge are heard beneath the walls of our Congress. Now we certainly shall not allow ourselves to be betrayed into a defence of

slavery either by unjust taunts from abroad, or the desire of favor at home. No one defends it, no one approves it. But if these remarks of the English writers are intended to convey a reproach, that reproach is, that we tolerate a slavery, of which we could rid ourselves if we would. And if they lay claim to the character of candid men, if they wish to be thought competent and fair judges of hard questions of political economy, we would ask them by any effort of imagination or any device of wisdom, to contrive a reasonable, practicable plan of eradicating negro slavery from this country, or any country where it exists. If they can devise no such plan, and the evil is without remedy, then we would ask the candid *Censor morum* in England, who may wish to pass judgment on us for this, to reflect a moment how and when this evil came upon us, and on the comparative merits of the British and American governments in regard to slavery in this country. This is one point; another is the actual state of England in regard to slavery. We are bid 'to make no fine speeches about slavery, while a slave contaminates our soil.' Truly: whose soil then is Jamaica, and whose is Tobago, and whose is Barbadoes, and whose are all the isles? But they are distant colonies, you reply, they touch not England; not so much as by an isthmus. But are they not English soil, owned by English proprietors, governed by English laws, cultivated on English account; and do not the sugar, and the rum, go straight to London, and furnish the wherewithal for English luxury? We should be glad to see, if slavery is stamped deeper and blacker on a bale of cotton or a hogshead of tobacco, than on a puncheon of rum or a box of sugar; and if providence should enter into judgment with the civilized world for this offence, we would fain know whether Bristol and Liverpool would be last visited; and if *assiento* would be the word, which would stand lowest on the accusing angel's book.

Besides, we beg leave to inquire of those who read us our condemnation on this score, whether the law of slavery in England, even as it respects England herself, is such as to furnish great cause for exultation. So late as 5 Will. and Mar. it was held in the English court of Common Pleas, that a man might have a property in a negro boy, and might bring an action of trover for him, because negroes are heathens.* Nor

* 1 Ld. Raymond, 147. In 1 Blackstone, 425. Wait's ed.

does the matter stand much more fairly, in the famous case of the negro Somerset, which is considered as having settled the law of England on slavery. This case is briefly reported in the eleventh volume of the State Trials with Mr Hargrave's argument in full, and given in Loft's Reports with the judgment of the court. James Somerset had been made a slave in Africa and was sold there. He was carried from Africa to Virginia, where he was bought by Charles Steuart, esq. and by him brought to England. Here he ran away from his master, who however recovered him, and confined him in irons on board a vessel, to be sent to Jamaica and sold as a slave. While he was thus confined, Lord Mansfield granted a *habeas corpus*, ordering the captain of the ship to bring up the body of James Somerset, with the cause of his detainer. The above mentioned circumstances were stated on the return of the writ, and after much learned discussion in the court of King's Bench, the court were unanimously of opinion that the return was insufficient, and that Somerset ought to be discharged. Lord Mansfield, however, gave his judgment discharging Somerset, with the greatest hesitation and reluctance, alleging great inconvenience on both sides of the question, and stating distinctly '*that a contract for sale of a slave is good in England:* the sale is a matter, to which the law readily and properly attaches *and will maintain the price*, according to the agreement. But here the person of the slave himself immediately is the object of inquiry; which makes a very material difference. The present question is, whether any dominion, authority, or coercion can be exercised in this country on a slave according to the American laws, [that is, the British Colonial Laws.] The difficulty of adopting the relation, without adopting it in all its consequences, is indeed extreme, and yet many of those consequences are absolutely contrary to the municipal law of England.'

For aught that appears to the contrary, Lord Mansfield here teaches, that it is the illegal acts of coercion and dominion over the slave, which were contrary to the English municipal law; and had Mr Steuart, instead of pursuing and confining his slave himself, appealed to the magistrate to protect him in the enjoyment of the fruits of the legal contract, by which he had purchased the slave, the magistrate would have protected him. In consequence of the inconvenience and embarrassment of the case, the parties were advised by Lord Mans-

field, to compromise the matter; and the cause was ordered to stand over for this purpose. But a decision being demanded, it was delivered at the next term, by Lord Mansfield, in the same hesitating style, in which the remarks just quoted are made. He first observes, 'that the court pay all due attention to the opinion of Sir P. Yorke and lord chief justice Talbot, whereby they pledged themselves to the British planters for all the legal consequences of slaves coming over to this kingdom or being baptized; recognised by Lord Hardwicke, sitting as chancellor Oct. 19, 1749, that trover would lie: that a notion prevailed that if a negro came over or became a christian, he was emancipated, *but there is no ground in law for this notion:* that he and lord Talbot, when attorney and solicitor general, were of opinion *that no such claim for freedom was valid, &c.*' He finally rests his judgment on the want of an express English statute, and in the following terms: 'So high an act of dominion must be recognized, by the law of the country where it is used. The state of slavery is of such a nature, that it is incapable of being introduced on any reasons moral or political, but only positive law, which preserves its force long after the reasons, occasions, and time itself, from whence it was created, is erased from memory, &c.'

This is very well; but if we take it on trust from Lord Mansfield, that the English law would still enforce a contract of sale of a slave, and if we consider that a slave who should sue out his liberty and obtain it, would still have no allowance for past services;* if we remember that the abolition of the trade certainly was carried in the English parliament, by a different process from that of acclamation, and above all that perhaps as many slaves are at this moment held in bondage by the arm of the English power, as by that of any other nation; we think it somewhat indiscreet in Englishmen to speak of our soil as contaminated by slavery, or to make any fine speeches about universal emancipation. When it is said, that 'the air of England is too pure for a slave,' it means merely that tobacco and cotton, sugar and coffee, will not grow in Norfolk; not that when an island where they will grow falls

* 'In 3 Espinasse N. P. Reports, p. 3, is the case of Alfred *vs.* the Marquis of Fitz-James, *assumpsit* for servant's wages. Plaintiff proved the time he had served, and relied on a *quantum meruit*. Lord Kenyon determined that unless there was an agreement for wages during the time of his service in England, the negro could recover none.' *Cooper's Institutes*, 478 n.

into British possession, there is any scruple felt in resorting to the labor of slaves.

But we are anxious to close our article, which we do not send to the press without some reluctance. A reperusal of the observations, to which we have been replying, has furnished us with no reason to think, that they had any other object than that of surprising assent, by a few candid remarks, to many sneering and some calumnious ones. Of all modes of warfare conducted by that potent instrument, the pen, we are constrained to look upon the practice of masking a tissue of unfriendly, sneering, and injurious reflections, by a few general compliments, as one of the least ingenuous; and are sorry to see it thought so clever, by our brethren abroad. The present writer accuses us of an inordinate appetite for praise; but we think it must be an appetite ravening indeed, which can swallow praise, with such poisonous condiments as this :—

'Should these and the preceding observations chance to fall under the eye of an American, he may perhaps imagine, that we too have been indulging in offensive animadversions upon his nation; *but we sincerely assure him, that we have no intention to offend.* We think that America is doing wonders, and we most heartily congratulate her. We cannot for an instant doubt that the formation of a great empire, resembling in its best points the best times of Great Britain, must prove an auspicious era in the history of the human race. A community provided with ample resources against an endless increase of members, and enjoying a free bar, a free senate, and a free press, if true to herself, must do great things. But America is yet in her infancy; and must not, like a froward child, born to a great estate and the dupe of domestic adulation, immaturely assume the tone and pretensions of a riper period; she must be docile and industrious, and patient of rebuke that conveys instruction. She must not talk too much of glory, till it comes. She must not make fine speeches about freedom, while a slave contaminates her soil. She must not rail at English travellers, for visiting her cities and plantations, and publishing what they see. She must not be angry with lord Grey, for calling Mr Fearon "a gentleman," and she positively must not be fretting herself into the preposterous notion, that there exists in this country an organized conspiracy against her literary fame. There is no such thing.'

While we copy these remarks, we perceive in the quarter whence they proceed, an 'American Eclogue;' a performance of which the justice is quite equal to the spirit; and 'Jonathan

Kentucky's Journal' is announced in another number. This satisfies us wholly, and shows that the warfare is not one for us to engage in, nor the weapons proper for our hands. 'We sincerely assure the authors of these judicious performances, that whatever they intend,' we shall take no offence.

ART. III.—*A Statistical, Political, and Historical account of the United States of North America; from the period of their first colonization to the present day. By D. B. Warden, late Consul for the United States at Paris, &c. &c.* 3 vols. 8vo. Edinburgh, 1819.

THE title of this book ought to serve it as a letter of introduction to us. It promises to tell us more about our country, than was ever before brought together in any one work, and it may be inferred from the time it has remained unnoticed, that we either do not care to know these things, or do not choose to learn them from Mr Warden. We have had a vast deal to read about ourselves within a few years, it is true, and we have not been neglectful of such writers as made their accounts of us pleasant and *piquant*, by a good seasoning of abuse; and we doubt not, if our author had told as many amusing stories of us as Ashe and Janson, that he would have received the same flattering attentions we showed to them. But we do not appear to take much interest in sober historical relation, and matter of fact information. This arises perhaps from knowing so much about our past and present condition, as we must necessarily know from the very nature of our political institutions, and from the frequent exercise of our civil rights. The principal facts of our history are early and easily learned; our origin is involved in no obscurity and uncertainty; the story of the first hundred and fifty years of our national existence is told in a few pages, and we have either been actors in the events of the last half century, or received our accounts of them from those who were. Besides, we have opportunities for learning our history, in a great degree, peculiar to ourselves; the birth day of our political independence is made to tell its own story, and while we remember and duly commemmorate that day and the deeds which grew out of it, we ought to be excused though we be ignorant of much else,

that relates to us. Other nations, it is true, have feasts and festivals in commemoration of great events in their history, but they are events, which chiefly affected their sovereigns and princes. Our great anniversary, on the contrary, is truly a national one; a commemoration of blessings, extended equally to every individual of the land. Nor is this the only occasion afforded to the people of our country, of calling up the great events of their history. They hear of them at every political and municipal meeting, on the fast and feast days appointed by the civil government, and at the public academic and other literary exercises, which are so frequent among us; so that little as they may learn of them by reading of treatises, they cannot yet be ignorant of them. We would not, however, be understood to say, that this is all the knowledge of our history, which we are bound to cultivate. The remarks were made only in explanation of our apparent indifference to the study.

But the historical is a small part only of the work under consideration; its main object is statistics. This is a science of recent origin, for though it embraces most of the subjects assigned both in England and in this country to geography, they are in fact entirely distinct, when the latter is kept within its proper limits. Geography treats the earth in relation only to its mathematical figure, its physical characters, and its political divisions; statistics is a philosophical account of whatever has an influence on a state, as such. The former, therefore, must confine its descriptions to territory, but the latter includes both people and territory. The earliest work we have of a statistical nature, is the 'Del governo e amministrazione di diversi regni e republiche' of Francisco Sansovino, published at Venice in 1567, and which was compiled from materials, collected by the ministers of the Venetian republic at the several courts of Europe, by order of the senate. The collection commonly called Republicæ Elzevirianæ, first published at Leyden in 1625, of which Grotius was one of the principal compilers, is also statistical; but there was no systematic work of this description, before the time of Achenwall, who was professor at Göttingen in Hannover, in the middle of the last century. He was the father of the science, and first made it a subject of lectures in the Universities; and it is now taught in this way throughout the continent of Europe. In 1749, he published his 'Abriss der neuesten Staatswissenschaft der heutigen vornehmsten Europäischen Reiche und Republi-

ken,' which has already passed through seven editions, and served as a model for all later works on the same subject. The divisions and subdivisions laid down by him have been adopted for the most part by our author, and where departed from, it is in consequence of the peculiar political character of our republic. In an introduction of fifty pages, Mr Warden presents us with a summary and admirable view of the history, progress, and present condition of the United States. We have never seen more information condensed into so small a compass, nor ever looked on a finer picture of our country. The language of it is elegant, the style forcible, the reasoning sound, and the descriptions beautiful and eloquent. In all these respects it is so unlike the body of the work, that if some professed preface-writer, like Dr Johnson, had been near the author, we should have been unjust enough to think he had transferred his pen to another hand. The circumstances under which our country was settled, and which have served to determine our character, are thus pointed out by him.

'It was a favorable circumstance for the United States, that the country was colonized chiefly by population drawn from the most enlightened nations of the old world, and at a period, when a variety of happy changes had disabused the human mind of some of its worst prejudices. What would have been its situation, if peopled by some of the other nations of Europe, is apparent from the state of the Spanish colonies. The English, who formed the leading part of the colonists, had been emancipated from superstition and priestcraft by the reformation, they had imbibed more liberal ideas than other nations in politics, and had made greater progress in arts and industry. The first settlers, no doubt, considered their removal to this country a painful sacrifice, but after they had acquired strength to maintain themselves against the Indians, the advantages of their situation began to appear. It was an unoccupied world, of the richest soil, and most favored climate, spread out before a small number of men, who possessed the skill and industry of a mature society. In the ancient world, the arts necessary to draw forth the riches of the earth were not acquired till its surface was in general appropriated; and the progress of society was checked, first by ignorance, and afterwards by vicious arrangements.' p. xviii.

'Most of the old colonies were planted when the prevalence of military habits, and of a dark superstition, with a host of errors and prejudices, checked the march of industry and improvement.

The North American colonists on the other hand, left Europe when the military spirit had no longer a baleful ascendency; when the effects of industry, the true source of national wealth, had begun to develop themselves; when civil liberty began to be understood and valued; when religion was stripped of many of its corruptions; when knowledge was advancing, and society had begun to settle on its right basis. The colonists, placed in the new settlements, had only to avail themselves of the advantages of their situation. Their society, held together by common wants, and moulded by their circumstances, was disencumbered of many of those corruptions and abuses, which time and accident accumulate in all old communities. A fortunate combination of circumstances, by bringing them all under one government, left them free from the destructions of war; and they had no powerful neighbour, jealous of their prosperity, to compel them to load themselves with a great military establishment. They were placed at too great a distance from Europe, to be often embroiled in its quarrels and yet near enough to share the benefits of its commerce and improvements.' p. xx.

The introduction then touches upon our extent of territory, the ratio of population, the height of our mountains, the length of our rivers, the character of our soil and the nature of its products, the rapid increase of inhabitants, the agriculture, commerce and manufactures, the government, religion and manners of the country, on all which subjects the author's remarks are very striking. If our limits would allow, we should be glad to extract more copiously from this part of the work, but we can only give the concluding paragraph.

'Doubtless the government of the United States is not exempt from the errors and imperfections, that adhere to all human institutions. But compare its public conduct with that of the old governments of Europe. How calm and reasonable is its language; always addressing itself to the understanding and the solid interests of the people, never to their passions or prejudices. It seeks no aid from superstition, supports no gainful impostures, and uses none of that disgusting cant, with which the old governments of Europe varnish over the degradation of the people. It is a stranger to state craft and mystery. All its acts are done in the face of day. It promotes knowledge, religion and learning, without the preference of particular sects, and without debasing them by falsehoods beneficial to the ruling powers. It is the only government in the world that dares to put arms freely into the hands of all its citizens. From Maine to Mississippi it commands a prompt and ready obedience, without any other weapon than a constable's

staff. In a word, it secures property, satisfies opinion, promotes the development of industry and talent, with a rapidity hitherto unexampled; and, with the smallest sacrifice of individual rights and property on the part of the people, it accomplishes all that the most expensive and powerful governments pretend to.' p. lxiv.

When an author puts such an introduction to his work, he brings upon himself this evil, that most readers are satisfied with what they learn from it, and do not take the trouble to proceed further. We do not recommend this course in the present case, but we are sure that those, who go through the three volumes, will agree with us in thinking, that the sixty pages of the introduction are worth as much at least as the other sixteen or seventeen hundred. There is a difficulty in collecting materials for a work on the statistics of this country, which does not exist in regard to the states of Europe. No official returns are made and no account is taken in America of many of the objects, which enter into a statistical view of a country. Taxation does not haunt our dwellings, or wait at our sides when we gather in our harvests, or stand at the door of the workshops of our artisans, or put its stamp upon the bales and parcels, which come from our manufactories. The commerce of the interior, in which the transportation of the commodities exchanged is made by land, renders no account of its operations. Hence we find great inaccuracies in those parts of the statistical accounts, in which there are no official reports to the general government for a guide. Bristed's book on the resources of America is full of them, and Warden's is by no means free; but Pitkin and Seybert, by going no further than they were warranted by official documents, have given to their works the authority of the documents themselves. Another difficulty for our author was the *imperium in imperio* of our confederation, which must necessarily produce confusion in an account of it, when the character and powers of the confederation and of the members composing it as political states are not clearly and distinctly defined. There are few men that have not seen the practical operation of our government, who are able to understand our general and state sovereignties, and we doubt much if Mr Warden would aid one in obtaining a better knowledge of the subject, owing to the bad arrangement he has adopted. To make the justice of this objection apparent, we must give the divisions of his work, which are as follows:

1st. Of the physical features, climate, and natural productions of the country.

2d. Description of the several states and territories comprehended in the Union, with an appendix describing Florida.

3d. Of the federal government and public establishments connected with it, and of the population, agriculture, trade, revenue and resources of the United States.

4th. Of the Indians.

Now we see no reason, why the description of the several states should have been introduced between his first and third parts, especially as it fills two volumes, and thus widely separates the several portions of the account of the country as a single state. The received statistical method does not authorize it, for although political divisions make a subdivision of the first general head of statistics, *territory*, this subdivision refers merely to local partition. Moreover, did the received method authorize Mr Warden's divisions, it should not have been followed in this instance, on account of the confusion and repetition it brings with it. The states of our confederation are not political divisions, like the counties of England, the departments of France, and the governments of Russia; and great confusion must obviously arise, if they are viewed at the same time as such and as independent sovereignties. The way of avoiding this is easy; consider the United States as to territory and all its physical characters as one, and as to its government as a confederation, describing only the federal rights and powers of the members, which compose it. The individual states may then be described as minutely as may be wished. A farther examination of the work will show us other objections to its system of arrangement. We have, for example, in the description of the individual states a constant repetition of what we had learned in the description of the United States. How can it be otherwise, when as to their physical properties, they are but parts of one whole? The general aspect of the country and the nature of the soil, the lakes and rivers, the climate, the products of the fields and forests, the animals, the diseases, in a word every thing which relates to it merely as a territory, have the same character, whether state or federal. Moreover it is a dangerous thing for an author to expose himself in this way to the charge of contradictions; numerous instances of which, we are sorry to say, are to be found in the work before us. Compare volume i. pages 27 and 373, as to

the height of the White mountains; 291 and 375, as to the course of Connecticut river on the border of New Hampshire; page 144 of vol. i. with 401 of vol. ii. as to the distance of Augusta in Georgia from the sea; vol i. page 116 with page 506 of vol. ii. as to the annual rise of the Mississippi; and vol. i. page 329, 2d paragraph with the third, as to the product of rye from an acre of ground. These are but a very few of the many cases of careless inaccuracies, which occur in the progress of the work.

It would be impossible, within any reasonable limits, to follow our author through every page of his work. We shall not pretend therefore to enter into a minute examination of the single facts it contains, but confine ourselves to a few general remarks upon some of its most important chapters.

The first chapter treats the boundaries of the United States. It is but a little more than two years since this book was published, and our country already stretches beyond the limits which are here assigned to it. Our acquired territory on this side the Rocky mountains was then greater than that which belonged originally to the rest of the United States, and Florida considerably increases it. It may be made a question of political duty, whether our patriotism must expand with the extension of our territory, and require of us to look upon our French and Spanish brothers by purchase, to be as truly our fellow citizens, as the fathers who defended our soil, and the sons who have since tilled it. We are far from thinking that narrow local feelings should be cherished, but we cannot but concur in the opinion of a distinguished member of Congress, that there is great difficulty in sending out our patriotic affections beyond the Missouri and the Rocky Mountains. The natural tendency of an increasing empire to separation was counterbalanced in the new states we have formed, by their being peopled wholly from the older ones, and a community of language, manners, interests and ties, thereby preserved. This is not the case with part of Louisiana and with Florida, and on that account some apprehensions in regard to the influence they will have on the permanence of the union may be reasonably entertained. But this is not a pleasant subject of contemplation, and we pass from it to the second and third chapters, which treat 'of the general aspect of the country, its extent, the nature of the soil, and the lakes and rivers.' The most striking feature in the face of our country is its uniform-

ity. Where else on the surface of the earth can a chain of mountains be found like the Apalachian, or *endless*, as the name implies, stretching out above 900 miles in an almost uniform elevation? What a different appearance do the Alps present in their course from the frontiers of France and Piedmont, to the eastern confines of Styria. Round Top, and the Peaks of Otter would dwindle into mole-hills by the side of Mont Blanc, Monte Rosa, the Finsteraarhorn, and the Ortelspitze. We are informed also by the geologists, who have examined different parts of the chain, that a like uniformity exists in the materials of which they are formed; and that rocks of the same kind are found throughout the whole extent, at equal distances from the shores of the Atlantic. But the facts now collected cannot be sufficient to warrant so broad an inference. There must, however, have been some mighty causes, which produced so singular a character as that which is impressed upon the whole of this continent, more particularly upon the part of it which we occupy. The long chain of immense lakes and the limestone basin of such extraordinary extent to the south-west of them, washed by the waters of the Mississippi and the Missouri, speak loudly of some great and general convulsion, and invite to a nearer and more detailed investigation, the result of which would, no doubt, afford a vast many facts of the highest importance, in the natural history of the earth. But interesting as that portion of the country may be to an inquirer into nature, in a moral and political view it is still more so. Occupying the central part of the temperate zone, its climate must be mild and salubrious, when cultivation shall be extended, and population increased. Having a great variety of temperature and an unexampled fertility of soil, it may be made to yield almost all the various products of the earth; and watered by rivers, which give it above fifty thousand miles of internal navigation, it seems destined by Providence to become the great empire of the West. And there is nothing disparaging and discouraging to the inhabitants of the Atlantic states, in this view of the advantages belonging to our western brethren. What though we have not their rich *bottom lands* and their boundless *prairies;* we have the ocean on our borders, which is a most productive field, when rightly cultivated, and we have but to exercise that industry, ingenuity, and enterprise, which belong to our situation, to draw out from our moral resources all the riches and powers, which their physical confer upon them.

The fourth chapter is devoted to an account of our climate. No satisfactory reason has yet been assigned for the great difference in temperature between a given parallel of latitude in our hemisphere, and the eastern. A few facts and circumstances may be mentioned, partially explanatory of this phenomenon. We have no cold weather in winter, except during the prevalence of northerly and westerly winds, and so powerful is their influence, that we often see the thermometer changed thirty and even forty degrees by them. These winds blow very frequently during the winter, and hence our mean temperature at that season is low. It is unnecessary to remark, that the mountains, which intersect our continent, and the immense forests that cover them, are the cause of the coldness of the winds, which blow from them. Again, our atmosphere is much drier than the atmosphere of the temperate regions of Europe, consequently evaporation is greater and more rapid here than there, whereby the temperature is sensibly diminished. This circumstance adds to the coldness of the north-west winds, and accounts for the chillness of our summer mornings and evenings; the cold commencing with the evaporation of the collected dew. This is well illustrated by the process of forming ice in the East Indies, where the thermometer never falls to 32°. We are aided also in the solution of this difficulty by the fact, that the eastern side of all continents is colder than the western, and this, we have every reason to believe, is as true of ours as of others. Lewis and Clark found the winter near the mouth of Columbia river in 46° north, very mild, but rainy, which confirms the accounts before given by Capt. Cook and others in regard to it. Our annual plants show us that we have our full share of summer heat, many of which, that ripen perfectly here, can never be brought to maturity in the more temperate climates of Europe, while they, on the other hand, can cultivate many perennials, which we cannot, another proof that the difference in the climates arises from local and partial causes. If we inquire into the geographical distribution of the vine, it will present us with as great anomalies in the climates of Europe, as we have in our own. It denies its blessings, for example, to the northern provinces of France, the south part of Bavaria, to many portions of Styria, Carinthia, and the Carniole, and grants them very liberally to higher parallels in Germany and Hungary. Our mean temperature, deduced

from that of deep wells and springs is but very imperfectly known; the following results are given by our author.

At Rutland in Vermont, at the depth of 45 feet 44° of Fah.
Different places of Massachusetts - - - - 49
Philadelphia - - - - - - - - - - - 53
Virginia - - - - - - - - - - - - 57
Charleston, S. C. - - - - - - - - - - 63

The three first are collected from Dr Williams' account, the two others from those of Mr Jefferson and Dr Ramsay. Mr Jefferson, in his notes on Virginia, supposes a great difference to exist between the climate of the Atlantic coast, and that of the valley of the Mississippi in favor of the mildness of the latter, which the observations of Dr Drake do not confirm; but Dr Drake's opinion is founded wholly on the mean temperature as shown by the thermometer, which is a more uncertain guide than vegetation, upon which Mr Jefferson founds his. One other circumstance in regard to our climate deserves to be mentioned. We have more rain and fewer rainy days than in Europe. The mean there of rainy days for twenty years in twenty different cities was 122, and but 88 in Cambridge, (Mass.) and 95 in Salem for the same time. But the mean annual quantity of rain is greater here than there, owing to our rains being so much heavier. The smallest quantity in Europe given by Mr Warden is at Petersburg, which is $12\frac{4}{5}$ inches, and the greatest at Vienna, $44\frac{4}{5}$ inches. Our smallest is at Philadelphia, but 30 inches according to Dr Rush, and the greatest is at Charleston, S. C. $71\frac{2}{3}$ according to Dr Ramsay.

The fifth and sixth chapters of the work are devoted exclusively to an enumeration of our forest trees and quadrupeds, which would have come with rather more propriety into a natural history, than into a statistical account of the country; but they afford us valuable information on these subjects, and it is hardly reasonable to complain of an author for doing more than he promised. The chapter on the forest trees is taken from Michaux's North American Sylva. That on the quadrupeds is very long, and contains many curious facts; we have room only for a single extract.

'Among the American hunters and travellers it has been long a general opinion, that the young of the bear were produced in a shapeless state, and licked by the tongue of the mother into form and life; and Lawson, enthusiastically fond of natural history, remarks, "that no man, either Christian or Indian, had ever killed

a she bear with young," but since his time, Mr Brigham of Salisbury, in Connecticut, in December 1797, killed the female in her den, where he found three young ones, of regular shape, and as large as a kitten of two months old. In February 1818, the American black bear of the Menagerie of the Garden of Plants at Paris, brought forth a young one, about the size of a rat and of a grey color.' vol. i. p. 197.

A chapter on diseases concludes the first part, in which the author attempts to refute the prevalent opinion in Europe, that life is short in this country, and gives a summary view of the different medical doctrines, concerning the origin and propagation of the yellow fever, with an extract from the report made in 1817, by the Faculty of Medicine at Paris to the Minister of the Interior, respecting the contagious nature of the disease; the substance of which is, that the yellow fever is often merely sporadical and not contagious. This document is to be found in the Journal of Medicine for July 1817.

We must pass over the second part, which describes the individual states and territories, occupying the remainder of the first volume, the whole of the second and first half of the third. It is a sort of particular geography, not so well executed, however, as Ebeling's, not so careful in the choice of authorities, and consequently not so correct as to facts. We would recommend to the author an alteration of the following passages. In the account of Massachusetts, page 287, 'sometimes the sea is frozen to a considerable distance from the coast;' page 315, 'six per cent. is the annual tax paid on the actual value of all ratable estate both real and personal, except wild and uncleared lands, on which the rate is two per cent.' In the account of Maine, he would do well to revise his enumeration of rivers; and in that of New Hampshire to correct his mistakes about the White Mountains and the temperature, and change the number of senators in their state legislature from 13 to 12, and that of their slaves from few to none, and reduce the civil jurisdiction of their justices of the peace, and put a note explaining how 'the fishing schooners which are sometimes built at the distance of two or three miles from the sea are taken to pieces and carried thither.' If he had inquired about Vermont of any person, who has been there since Castiglioni, he would have found that their roads are not in such a state, 'that the usual progress of a man on foot or on horseback is not more than two miles an hour;' or if he had

looked on the map of Connecticut he would have seen that New Haven is not near the mouth of the Thames.

But we are not bound to make a table of errata for our author. We leave the rest, therefore, for his own revision, assuring him, that they are many, and that there is scarce a page of the three volumes, on which some error is not to be found either his own or his printer's. Those of his own might be classed into such as proceed from recent incorrect information, from following ancient descriptions of parts of the country, which change every day, and from disregarding the alterations made in the state constitutions and laws by the constitution of the United States. It is certainly matter of surprise, that a book, written by a citizen of the United States, should inform us, that the authors of literary works are secured in the exclusive right thereof in Virginia for twenty one years, and that the delegates to Congress from North Carolina are chosen annually by ballot of the General Assembly, as is stated volume ii. pages 207 and 382.

In the third Part the author returns to his view of the United States collectively. Many of the chapters in this part treat the subjects, upon which Mr Seybert, in his excellent Statistical Annals, has given the most particular details, and a late number of our journal* entered so fully into a consideration of them, in the remarks upon that work, that we do not think it necessary now to take them up again. The forty-eighth and forty-ninth chapters, which treat of the state of education, knowledge, manners, the arts, and the state of religion are entitled to more particular attention. We search through these chapters in vain for the account, which we might expect to find of the system of education and of the state of intellectual culture in our country. It is true, unfortunate as it may be for the country, that education is not a subject of national legislation, but it is none the less a national concern, and we shall discover, perhaps, at some future day, that no real national feeling and character can exist without its influence. Mr Warden should have given us a view of our primary and higher schools, and of our colleges, universities, and all other establishments of education, whether elementary or professional, and told us of the number of instructers employed, and of students taught in all these institutions. It is not enough, that he has done this, or

* North American Review, vol. ix, p. 217.

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partly done it, as the fact is, in the description of the individual states; we wanted a general and national view of the subject. The reason he assigns for not doing it is, that it would have been a repetition, but he has been less scrupulous on this point in respect to most other subjects. Let us now see what is the amount of the information we obtain from him.

'The education of youth, which is so essential to the well being of society, has always been a primary object in the United States. Since the year 1802, especially, great additions have been made to the number of schools and academical institutions; to the funds for supporting them, and to all the means for providing instruction, and disseminating information. In 1809, the number of colleges had increased to twenty-five, that of academies to seventy-four. These institutions are incorporated by the legislature of each state, and are subject to its inspection, though placed respectively under the direction of boards of trustees.' vol. iii. p. 453.

We are left equally ignorant of the state of literary and scientific knowledge in the country. On this subject the most we learn is, that there are some societies established for the advancement of learning and science, that the American Philosophical Society at Philadelphia has published six volumes, and the American Academy of Arts and Sciences of Boston one, neither of which statements is correct; that there are academies at New York and Philadelphia for the cultivation of the fine arts, and that a liberal spirit fosters these establishments, which is perhaps not more correct; that we republish English works at less than a quarter of the original price, which we may well afford to do, as we have nothing to pay for the copy right, and print on such miserable paper. He mentions, however, two facts, which we were glad to observe, that Knickerbocker's New York brought 3000 dollars, and Judge Marshall's Life of Washington 100,000 dollars to their authors. A few more instances of such rewards for literary labors, and our presses would have employment enough in printing original productions, and our own authors soon occupy a respectable portion of our libraries. We are not wanting in patronage to one sort of literary publication, to judge from Mr Warden's account of our newspapers; for of them he says there were five hundred in May 1817, and 250,000 printed weekly. Nor are we wanting in talent for dramatic composition, if the number of our dramatic productions be a proof to the con-

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trary, of which a long list (of most of which we never heard before) is given in the work before us. As to manners, habits, and national character, we ought to be obliged to Mr Warden for the favorable representation he makes of us, and as we are so unaccustomed to see any thing of the kind, we cannot but treat our readers with an extract.

'The people of the United States have not that uniform character, which belongs to ancient nations, upon whom time and the stability of institutions have imprinted a particular and individual character.' 'The general physiognomy is as varied as its origin is different. English, Irish, German, Scotch, French and Swiss, all retain something of the first stamp, which belongs to their ancient country. A marked distinction, however, exists between the inhabitants of the maritime and commercial towns and those of the country. The former resemble the citizens of the great towns of Europe. They have all the luxury and vice of an advanced civilization.* Those of the country, who lead an agricultural life, enjoy all that happiness which is preserved from the exercise of the social virtues in their primitive purity. Their affections are constant; felicity crowns the conjugal union; respect for paternal authority is sacred; infidelity on the part of the wife is almost unknown; crime is rare; mendicity and theft uncommon.' vol. iii, p. 476.

Another description is given in the Introduction, which is more discriminating and philosophical, from which we extract a few passages.

'It has been said that the Americans have no national character. Without stopping to inquire in what this consists, we may observe, that according to the testimony of travellers, the aspect of society in the United States is distinguished by many striking particulars from that of Europe. Though the number of learned and scientific characters is much smaller than in France and Britain, the mass of the population are better informed, than in either of the countries. They are not merely better educated, but they derive from their habits more practical sagacity and good sense. Placed often in situations where they have to work their way, and supply their wants without assistance from others, they are inventive, persevering, full of resources, not easily deterred by difficulties. The prejudices of birth and rank, which fetter industry in Europe, have little existence in America; men change their profession as often as it suits their interest, and never deem any honest occupation disreputable. Enjoying abundance and depending

* 'From the year 1797 to 1801, inclusive, 693 convicts entered the state prison of New York.'

on no man's patronage, they are free, open-hearted, unreserved and perhaps somewhat rough in their manners. Accustomed to rely much on their own arm, they are manly, brave, high spirited, and enterprising.' p. lxii.

To show that our author has an agreeable variety in his style of writing and to present one more of the pictures he has drawn of our manners and customs, we shall conclude our extracts with his account of the metropolis.

'The inhabitants of the district of Columbia are social and hospitable. At Washington, respectable strangers, after the slightest introduction, are invited to tea, balls, and evening parties. Tea parties have become very expensive, as not only tea, but coffee, negus, cakes, sweetmeats, iced creams, wines and liqours are often presented, and in a sultry summer evening, are found too palatable to be refused. In winter there is a succession of family balls, where all this species of luxury is exhibited.

'Both sexes, whether on horseback, or on foot, wear an umbrella in all seasons; in summer to keep off the sunbeams; in winter as a shelter from the rain and snow; in spring and autumn, to intercept the dews of the evening. Persons of all ranks canter their horses, which movement fatigues the animal and has an ungraceful appearance. At dinner, and at tea parties the ladies sit together, and seldom mix with the gentlemen, whose conversation naturally turns upon political subjects. In almost all houses toddy is offered to guests a few minutes before dinner. Gentlemen wear the hat in a carriage with a lady as in England. Any particular attention to a lady is readily construed into an intention of marriage! Boarders in boarding houses, or in taverns, sometimes throw off the coat during the heat of summer; and in winter the shoes for the purpose of warming the feet at the fire; customs, which the climate only can excuse. In summer, invitation to tea parties is made verbally by a servant, the same day the party is given; in winter the invitation is more ceremonious. The barber arrives on horseback to perform the operation of shaving, and here as in Europe, he is the organ of all news and scandal.' vol. iii, p, 218.

We cannot say but these things may have been so when Mr Warden was at Washington, nor in what particular circle he may have observed the practice of sitting without coat and shoes. A summary of the political and military history of the United States, since the year 1802, and an account of the Indians residing within our territory conclude the work. We are not willing to leave it without a few remarks on its general character, lest our opinion of it should be misunderstood.

The author certainly deserves the thanks of every American for the diligence and fidelity with which he has collected materials for presenting a complete statistical view of the country. The distance, however, at which he was, when he made use of these materials, has occasioned many imperfections and errors, which would have been avoided if the book had been published here. It also presents itself under the disadvantage of having been printed in one country, while the author was in another, by which, and for the want of some person, acquainted with the subject to superintend the press, innumerable typographical errors are left uncorrected. It is also defective and confused in its system and arrangement, and awkward in the disposition of the subjects, many being brought into the same paragraph which have no connexion together; and the style is neither dignified nor elegant, nor always English. With all these defects, however, it contains more information about the United States of America, than is to be found in any other work, and is very deserving of our attention. We think it might serve for the ground work of an excellent book on our country, leaving out the two volumes which describe the individual states, and bringing down the information it contains to the present time.

The new census will furnish the necessary materials for a part of this work, and we hope some person will be found disposed and able to perform it.

Art. IV.—1. *Sketches, Historical and Topographical, of the Floridas; more particularly of East Florida. By James Grant Forbes.* 8vo. pp. 226, New York.

2. *Memoir on the geography, and natural and civil history of Florida, attended by a map of that country, &c. By William Darby.* 8vo. pp. 92, Philadelphia.

The first discovery of Florida has been usually ascribed, not with much justice, to Sebastian Cabot. This discovery is supposed to have been made in 1496 or 1497, in Cabot's first expedition for the discovery of a north-west passage to China. In that voyage, Sebastian Cabot, or more probably John Cabot with his son Sebastian, for the latter was at that time but twenty years old, ran down the American coast from latitude 67°, where his seamen were alarmed at finding no

night, as far south as latitude 38°, or at farthest 36°, near one of which points he was compelled by want of provisions to desist from a farther prosecution of the voyage. He therefore did not approach within many miles of any part of the coast, that has ever been properly included within the limits of Florida.

In the year 1512, John de Ponce, the first discoverer of Porto Rico, who had acquired great wealth as governor of that island, fitted out, at his own expense, two vessels in quest of the fabled fountain of health. The virtues of this fountain, believed by the natives and by many Europeans to exist in some part of the West Indies, or the southern part of North America, were such, that whoever bathed in it, of whatever age he might be, was immediately restored to the vigour and beauty of youth. De Ponce first discovered the coast of Florida on Easter Sunday, which festival is called in the church calendars *Pascha Floridum*, and from that circumstance he gave the country the name which it has borne ever since. He coasted southerly from latitude 30° along the Atlantic shore,—landed at a place which he called Bay of the Cross, where he took formal possession, and established a stone cross as a monument;—discovered cape Florida, which he named *Cape Corrientes*, from the rapidity of the current through the Gulf of Florida,—and discovered also the islands and rocks called *The Martyrs*, which he so named from their fancied resemblance to men tied to stakes to be burned. A name of evil omen, some writer remarks, which the great number of shipwrecks upon them has since rendered appropriate. De Ponce then entered the bay, sometimes called from him, to this day, Juan de Ponce, where he landed and took possession in the name of his sovereign.

After making this discovery, De Ponce went to Spain, and by much solicitation obtained the appointment of governor of Florida, in which country he intended to settle a colony. He returned to Porto Rico, where he fitted out a fleet at great expense, and enlisted a body of men to establish his new colony. He reached the coast of Florida, and had hardly landed, and was preparing to build a town and fort, when he was attacked with such vigor by a great body of savages, armed with poisoned arrows, that a great number of his men were killed, and the rest were compelled to retreat to their ships. He was himself wounded by a poisoned arrow, but made his

escape and was carried to the island of Cuba, where he died. Many of his followers died, in great distress, of the wounds inflicted by the poisoned weapons. This last expedition is not noticed in some of the early histories of De Ponce's discovery, and there is perhaps reason to doubt at least that part of the story, which relates to the use of poisoned weapons by the natives; but we find the narrative in Le Moigne's history, as published by De Bry, and also in the other early histories.

In 1520 Luke Vasquez of Ayllon equipped two ships from the harbour of Plata, in the island of Hispaniola, for the purpose of procuring savages from some of the neighbouring islands, to work in the mines. He landed at the bay of St. Helena, in South Carolina, then, and long afterwards, considered by the Spaniards as within the limits of Florida. The natives, after they had recovered from their alarm at sight of the Spanish ships, and of men who were covered with clothes, received their visiters kindly and hospitably. Vasquez, in return for their hospitality, invited a large number of the natives to an entertainment on board his ships, and seized the opportunity to set sail with them on board, and to proceed towards Hispaniola. Many of them pined to death from vexation, and an obstinate refusal of all food. A large part of the remainder perished at sea, in one of the vessels which foundered in a storm, and a small number who survived the voyage were forced into a cruel and hopeless slavery.

Vasquez for this exploit received the reward offered to such as discovered new lands. In 1525 he went again to St. Helena with three ships, but one of them was cast away, and two hundred of his men were afterwards cut off by the natives; in consequence of which he returned disappointed to Hispaniola. Some accounts say that he was left behind, and died in Florida.

Pamphilo Narvaez obtained a patent from Charles V, and in March 1528 he sailed from the island of Cuba for Florida in five vessels, with a military force of four hundred foot and forty horse. He proceeded round the western extremity of Cuba, and after encountering several storms, in which he was in great danger of being wrecked, he arrived on the coast of Florida. He landed at a place on, or near the bay of Tampa, and discovered an Indian village, from which all the inhabitants fled on his approach. In a deserted hut he found some trifling ornaments of gold, which encouraged his hopes. On advanc-

ing into the interior he found small quantities of indian corn. He was told by the natives that there was a country, called Apalache, far distant to the north, which was rich and abounded with gold. He determined to proceed thither, and set out with three hundred men on foot and forty horse, ordering the ships to follow him along the shore. After marching fifteen days through a desolate country, they came to a river—perhaps the Suwany, on which Gen. Jackson destroyed Bolegstown in 1818. They crossed the river, partly by swimming, and partly on rafts, and on the other side they discovered a party of Indians, who supplied them with corn. On exploring the sea-coast it was found to be full of shoals, and without ports. They again proceeded on their march for fifteen days, without finding an inhabitant. On the 17th of June they fell in with a party of Indians, who were enemies to the Apalachians, and were then on their march to make a hostile inroad into their country. The Indian king took the Spaniards to his towns, and entertained them with corn and venison. They soon proceeded on their march, and on the 28th of June came in sight of the town of Apalache, of which they took possession with but slight opposition. Here they found abundance of corn, deer-skins, mantles, and garments, woven of the inner bark of trees, women's head-dresses, and stones for grinding corn. The town consisted of forty houses, which were low and covered with straw. It was surrounded by thick woods and deep morasses. The Indians were of a large stature, nimble and well formed, and generally naked. The whole country which the Spaniards had passed over was flat and sandy, interspersed with troublesome bogs, and abounding in walnut, oak, laurel, fir, cedar, pine, and low palm trees. They remained twenty-five days at Apalache, and made several excursions into the country, which they found thinly inhabited and wretchedly poor. A cacique, whom they took prisoner, told them that his town and district were the best in that whole region, and that beyond it the inhabitants were less numerous, and the land was poorer. Narvaez therefore concluded not to attempt to push his conquests farther, but to return towards the sea. After a march of eight days through a desert country, they came to the town of Ante, where they obtained a small supply of corn, pompions, and kidney-beans. This place appears to have been situated on the river of St Marks, probably near the present town of St Marks. From Ante a

party was sent to explore the sea-coast. They returned on the third day with information that shallow bays and creeks extended far inland, that the sea was remote, and that the face of the land was rude and dismal. The men had now become sickly, and had lost nearly all their horses. They had travelled two hundred and eighty leagues since they landed, and in the whole distance had seen neither mountain nor hill. They were subject to the continual attacks of the natives, in which ten of their number had been killed. Having contrived to build five wretched boats, with such materials as they could procure, making ropes of their horses' manes and tails, and sails by sewing together shirts, they embarked, September 22, and proceeded down into the bay. After wandering here some days, where they suffered the severest hardships, they were separated by a storm, in which the boats were all wrecked, and three of them with their whole crews were lost. Eighty persons from the other two boats got on shore, upon an island, naked and without arms. The natives took compassion on them, and furnished them with provisions, as long as they had any to offer. They remained upon this island from October to April, subsisting in part upon roots. Many of them died of hunger, and the survivors fed on their flesh. Before spring their number was reduced to fifteen, and four only, one of whom was named Cabeca de Vaca, after long wanderings and a variety of adventures for the space of seven years among the savages, at length reached the Spanish settlements of Mexico, and thence returned to Spain. Pamphilo de Narvaez, the commander, was never heard of after the wreck of the boats, though there was a report that he had penetrated to the South Seas.

After these disasters, Florida was for several years neglected. At length Ferdinand de Soto, a soldier who had acquired vast wealth in Peru, was appointed, by the emperor Charles V, governor of Cuba, with the title of General of Florida, and Marquess of the lands which he might conquer. About this time Cabeca de Vaca returned to Spain, and gave such an account of his adventures, and of the wealth of the regions through which he had passed, as excited an unconquerable curiosity, at the court of Spain, to explore the country. Soto fitted out a splendid expedition, and was accompanied by a great number of gentlemen, who disposed of large estates in Spain, to raise the means for equipping themselves to follow

him. Several Portuguese gentlemen also enlisted in the cause, one of whom after his return wrote an interesting history of the expedition. They left Spain in April 1538; and sailed from Havana with nine vessels, having on board six hundred men, two hundred and thirteen horses, and a herd of swine, on the 18th of May of the following year. After a short voyage they arrived in the bay of Espiritu Santo and there landed.

We do not propose here to give even a sketch of the peregrinations and exploits of this extraordinary man. They are fully detailed in several works, to the best of which we have above alluded. He spent the summer after he landed, and the following winter, in the peninsula of Florida, not far distant from the bay of Apalache; and in the beginning of the following spring, he sent back his vessels to Cuba for supplies. Leaving a part of his men at the port, he then marched towards the north and east, in search of a place called Yupata, where he was informed there was gold. He crossed the river Alatamaha, and probably the Ogechee, and proceeded northward towards the sources of the Savannah, and thence westward across the Allegany ridge. After resting for thirty days, in May and June, at a place called Chiaha, where his men lay under the trees, and his horses fed in the meadows, he proceeded south to the town of Mavilla, or Mobile, sending his sick by water; and here he spent the summer. In October he suffered severely by the burning of Mobile. He fought here a great battle with the Indians, in which he killed two thousand men. While here, he heard that his vessels had returned with supplies to Ochus, the seat of the town of Pensacola, but he concealed the fact from his men, lest they should be impatient to quit the country, and because he did not wish any information of his want of success to reach his countrymen. In November he marched in a north-westerly direction eighty leagues to Chicaca, a Chickesaw village on the upper part of the Yazoo river, where he spent the winter. In the following summer he marched again west, and crossed the Mississippi, which he called Rio Grande. In the succeeding spring, after spending the winter at Antiamque, he was taken ill of a fever, brought on by fatigue and anxiety of mind, and on the 21st of May 1542, he died. This event happened at Guacoya, said to be on the bank of the Red River, in latitude 31°. His lieutenant, Moscoso, continued to ramble on the western side

of the Mississippi till the following summer, when he built seven vessels and descended the river, and after a variety of hardships arrived in Cuba, in September 1543, with three hundred and eleven men in a state of great wretchedness.

In 1544 Julian Samanus, Peter Ahumada, and others, solicited permission to take possession of the country and to govern it, but the emperor withheld his consent. It was thought better to attempt to convert the natives to the christian religion. Accordingly in 1549, Ludovicus Cancellus, a friar of the order of St Dominic, with four others of the same order, was sent out at the expense of the emperor, to preach the gospel in Florida. He landed unarmed, with his companions and a few sailors. As soon as they came in sight, the natives collected and surrounded them, not to hear them preach, but to attack them with clubs, as if they had been enemies. Lewis, who had before learned their language, did all that oratory and mild words could do, to sooth their minds, but they were deaf to his persuasions, and fell upon him and killed him, with two of his associates. The others made their escape. It was related by some of the followers of Soto, who had remained in the country and afterwards escaped, that the Indians ate the flesh of the three friars, and took off their skins entire and hung them upon the shrines of their idols, as a trophy of their victory.

After the disastrous and tragical termination of so many attempts to reduce this country under the Spanish dominion, the zeal of the Spaniards began to abate. But the French soon after attempted to establish a colony here. In 1562, John Ribault sailed from France with two men of war, with a large body of troops, and after a voyage of two months arrived on the coast of Florida in latitude 30°, near the site of the city of St Augustine, and called the place French Cape. He found the coast low and flat, and covered with lofty trees. He coasted along the shore until he came to the mouth of a beautiful river, which he called May, from the season in which the discovery was made. He entered the mouth of the river and landed. His party was received in a friendly manner by the natives, who gave them maize and red and white berries. They went into the woods, but observed nothing remarkable, except trees with red and white berries, on which were multitudes of silkworms. They proceeded to explore the coast northerly, as far as the *Jordan*, one of the principal rivers of

Carolina, probably the Santee. The intermediate rivers were named by Ribault from the rivers in France, which they were supposed to resemble. These names, however, are not retained at present, though they are to be found on some of the old maps. The St Mary's was called the Seine. They finally resolved on planting their little colony at a place which they called Charlesfort, in St Helena Sound, near the mouth of the Edisto. Twenty-six persons only consented to remain, and the rest returned to France ; and Albert, the lieutenant, was left in command of the colony. They were treated in a friendly manner by the natives, from whom they obtained not only partial supplies of provisions, but pearls, chrystal and silver. But they made no provision for their future subsistence ; they neglected to plant, and dissensions broke out among them. They quarrelled with, and assassinated their commander, and elected another. Finding no relief from their friends in France as they expected, they were reduced almost to despair. They finally resolved on building a vessel to carry them back to France. Although destitute of almost every material usual in ship building, they succeeded in constructing a ship, in which they determined to embark. Their cordage was made from the bark of trees, and their sails from their own clothing and bed linen. They embarked with a very small supply of provisions, and were soon overtaken by a calm, which lasted twenty days. Their provisions became entirely exhausted, and they were reduced to the horrid necessity of putting to death one of their number, and feeding on his flesh. A soldier, on whom the lot fell of being first sacrificed to prolong the lives of the rest, submitted voluntarily to the measure, and made not the least resistance. Each one stood by to catch his portion of the blood of the victim, and not a drop was wasted. They soon after fell in with an English ship, which relieved them from their distress, and carried them into England. It is said that they were presented to Queen Elizabeth, and treated by her with great kindness.

In April 1564, René de Laudonniere, who had in the former expedition accompanied Ribault, sailed from Havre de Grace, with three ships fitted out by the king to relieve the colony left at Charlesfort. Finding on his arrival that the fort was deserted, he determined to establish himself at the river May. He there selected a spot for a town, on the south side of the river, two leagues from the sea, and erected a fort,

which he called *Carolina.* Some persons have supposed that the seat of this establishment was much farther towards the north, and have traced to it the origin of the name of the two Carolinas. Some have even assigned it a situation as far north as Albemarle Sound, and identified the river May with the Roanoke. This is manifestly erroneous; and although there is a good deal of confusion and inaccuracy in all the early, as well as later accounts of this part of the country, there appears to be abundant reason for supposing that the river May of Ribault, was no other than the St John's. One of the most important early historical documents of this part of the country is the narrative of Le Moyne,* preserved by De Bry, which is accompanied by forty-two plates and a map drawn from his own observations. This map, though very imperfect, is in some particulars more correct than those published nearly a hundred years later.

Laudonniere maintained a friendly intercourse with several native chiefs, and made preparation for an expedition to the Apalachy mountains, where he hoped to find an abundant supply of the precious metals. But a serious disaffection and mutiny arose in his own colony, and he was seized and put in chains. A part of the conspirators afterwards took the vessels which remained in Florida, and went on a piratical cruise in the gulf of Mexico, in consequence of which Laudonniere regained his liberty, and the command of the remaining portion of the emigrants. But their merchandise for trade with the Indians being exhausted, and supplies of provisions in consequence failing, they resolved on abandoning their post. Their distress was increased by a remarkable scarcity of game, and an entire failure of the fish in the river. They built two vessels, in which they determined to attempt a voyage to France, but after they had destroyed their fort, and were preparing to embark, Capt Hawkins, an Englishman, with four vessels, came into the mouth of the river in pursuit of water. The French commander purchased of him one of his ships and a stock of provisions. Soon after this occurrence Ribault, also with seven ships from France, having on board a powerful reinforcement of troops and settlers, appeared at the mouth of the river.

* *Historia Luctuosa Expeditionis Gallorum in Floridam,* published by De Bry, 1591, subjoined also to the Latin translation of Benzone, published by Vignon, 1578.

Accounts had been sent to France of the conduct of Laudonniere, which led the government to suspect his fidelity. It was on this account that they sent out under Ribault so strong an armament. A great number of gentlemen and officers, who had been left by the recent peace out of employ, joined the expedition. Ribault on his arrival was much surprised at the proofs of Laudonniere's fidelity, and he offered to leave him in command of the fort; but the latter refused, being determined to return to France. His departure was delayed by the exertions for the repair of the fort, and in the mean time six Spanish vessels under the command of Don Pedro Menendez, arrived and anchored at the mouth of the river. Philip II. had made to Menendez a grant of Florida, with extensive privileges and prerogatives, on condition that he would make an accurate chart of the coast, a condition which he never performed; and he now arrived with eight hundred men to take possession of his province, and to drive out the heretics, who had lately planted themselves in the country. He had left Cadiz with a much larger force, which with the reinforcements received at the Canary Islands, amounted to twenty six hundred men. His fleet, however, had been scattered by a storm, and he arrived on the coast of Florida with but six ships. He passed by the river of Dauphins, which he named St Augustine, from the festival of the day when he discovered it. Four of the ships of Ribault lay at anchor out side of the bar of the river May, and were near being taken by him, but they escaped, and he returned to St Augustine. The four French ships returned to their anchorage, and, after consultation, Ribault determined to embark his troops and to proceed immediately to attack his enemy. In a few days they sailed from the river, leaving Laudonniere, and all the women and children, with the sick and disabled, and not more than twenty able bodied men in the fort. Ribault soon came in sight of the Spanish ships, at anchor before St Augustine, where Menendez had begun to build a fort. This was the first establishment of the city of St Augustine. Ribault was on the point of making an attack, when suddenly a violent wind arose, and he was obliged to abandon his prey, at the moment when he thought it in his power. He stood out to sea, as far as possible, but the storm became so violent, that after being forced a great distance towards the north, the ships were all driven upon the shore and dashed to pieces. The men

succeeded in escaping to the shore with the loss of but a single individual. They were however naked, and without arms or provisions.

Ribault immediately resolved on attempting to reach fort Caroline by land, distant about fifty miles. In performing this journey, over a country not inhabited even by savages, and full of swamps and creeks, they endured the greatest hardships. Having, as they thought, nearly overcome all difficulties, and arrived in the vicinity of the fort, they stopped, and sent forward a number of men to reconnoitre the fort, and see whether the feeble party left there still retained possession of it. On approaching their citadel, they were astonished to find the Spanish flag flying upon it. This news being reported to the famished army, they were filled with horror and dismay. They knew the cruel disposition of the Spaniards, who regarded them as heretics and outlaws, and they were already perishing from fatigue and famine.

The feeble garrison, left under the command of Laudonniere, who was confined to his bed by sickness, had remained for several days after the departure of their fleet in a state of the greatest anxiety. They were aware of the danger to which the ships had been exposed from the storm, and knew also that they were themselves in their ruined fort liable every moment to be attacked by the Spaniards, who might approach them by land. Several days passed without any news of the fate of their companions. On a certain morning, at sunrise, after the feeble guard, who had kept watch through the night, worn out with fatigue, had retired to rest, the whole garrison being quiet in their beds, three hundred Spaniards rushed from three different quarters into the fort, and began an indiscriminate slaughter of every one they met. A few individuals, among whom was the commander of the fort, made their escape, and after various disasters arrived in France. The rest, men, women, and children, were cruelly put to death.

Such was the state of things, on the arrival of Ribault before the fort, after his toilsome journey, and he resolved on sending a flag of truce to the Spanish commander. His messengers were met by a number of Spaniards, who came out to them in a boat. They inquired after the French who had been left in the fort. The Spaniards answered that Menendez, a man of great kindness and humanity, had put them into a ship furnished with every thing necessary, and sent them back to

France, and that he was willing to treat Ribault and his followers in the same generous manner. An officer was afterwards sent to the Spanish commander, with the offer of a surrender, on condition that their lives should be spared, and they should be sent to France. Menendez swore in the most solemn manner to observe these conditions, but as soon as the prisoners were brought across the river, they had their hands bound behind them, and they were all put to death. One soldier only escaped. The Spanish commander declared that he did not slay them as Frenchmen, but as Lutherans and infidels. The whole number of the French colony who thus perished exceeded nine hundred persons.

The French and Spanish nations in the mean time were at peace, and no measures were taken by the king of France to avenge this atrocious outrage. But De Gourgues, a French nobleman, determined at his own risk to punish this act of cruelty and the insult offered to his nation. He fitted out at his own expense, three ships with eighty sailors, and a hundred and fifty soldiers, and sailed in August, 1567, for Florida. He arrived after a long voyage, at the mouth of the river May, and was saluted by the Spaniards, who mistook him for some one of their own nation. To confirm them in their error he returned the salute, and passed on to the St Mary's, where he landed. He there assembled a body of the natives, who were strongly attached to the French, and hostile to the Spaniard, and enjoining on them the strictest secrecy, marched on towards the St John's. The Spaniards had rebuilt fort Carolina, changing the name of it to St Mattheo, and constructed two other forts nearer the sea. The three were garrisoned by four hundred men. The French and Indians entered the forts by surprise, killed a great number of men in the assault, and took all the rest and hung them on the nearest trees, saying, *they did not hang them as Spaniards, but as traitors, murderers, and robbers.*

De Gourgues, having accomplished his object, destroyed the fortifications on the river May, and returned to France. The French made no further attempt to establish themselves in Florida. Purchas, after briefly recapitulating the early history of this ill-fated territory, says, 'Thus hath Florida been first courted by the English, wooed by the Spanish, almost wonne by the French, and yet remains a rich and beautiful virgin, waiting until her neighbour Virginia, bestow on

her an English bridegroome, who as making the first love, may lay the justest challenge unto her.'

Florida, as described in the charter granted by Philip II. to Menendez, extended from Newfoundland on the north to the river of Palms, on the west side of the gulf of Mexico, in latitude 25°, or according to other accounts 22°, probably the Rio del Tigre or the Santander, or perhaps the Tampico. In this broad extent it was sometimes taken by the Spanish writers, according to De Laet, as late as 1633. But according to the same writer, what was then properly called Florida, was bounded on the west by New Spain, and on the north by Virginia, afterwards Carolina.

In the *Amerique* of Sanson, of Abberville, the celebrated French geographer, it is described as follows. 'Florida is situated between New France and New Spain, and extends from the river of Palms, which bounds the province of Panuco in New Spain, to the river Jordan, which separates it from Virginia, which I call New France.' The map of Sanson conforms with this description. The Spaniards had then two settlements on the Atlantic coast, St Augustine, and St Mattheo on the St John's, and none on the gulf of Mexico.

The country north of the St John's remaining unoccupied, king Charles II. of England, in 1663, made a grant to the Earl of Clarendon and others of all the tract of country extending from Virginia on the north, to the river San Mattheo on the south, and extending west in a direct line to the South Seas. Afterwards, March 24, 1667, a new charter was granted, by which the boundaries were made to extend from 29° to 36½°, north latitude, and from these points westward by parallel lines to the Pacific ocean. Either boundary would embrace within it the whole of what has been since named West Florida; the whole of that colony lying north of the latitude of the mouth of San Mattheo, or St John's river. The English did not by virtue of this grant make any permanent settlements on the Gulf of Mexico, but they formed establishments there for trade with the Indians. Settlements under these patents were early made at Port Royal and Charleston, and extended to other points on the coast. The conflicting claims of the Spaniards in Florida, and the English in Carolina, produced a state of hostility which lasted many years, and the controversy was maintained, not only between the colonists, but between the mother countries.

By the seventh article of the treaty concluded between Great Britain and Spain, as early as the year 1670, it was stipulated that the king of Great Britain and his subjects should remain in possession of what they then possessed in the West Indies and America. This was an acknowledgment of an important principle, which was also recognized in several subsequent treaties, but the difficulty was to apply it. It was finally agreed by the treaty of Seville, in 1729, that commissioners should be appointed by the courts of England and Spain, to settle their mutual pretensions in relation to trade, and boundaries in America. Commissioners were appointed, and met at Madrid, but they did not bring their conferences to a successful termination.* In Jan. 1739, the convention of Pardo was concluded, by which it was agreed that immediately after the signing of the convention, two ministers plenipotentiaries, should be named by the parties respectively, to meet at Madrid within the space of six weeks from the date of the exchange of ratifications, and to regulate the pretensions of the two crowns in relation to trade and navigation, and to the limits of Florida and Carolina. In the mean time, orders were to be immediately given by both parties, that no new posts should be taken on the frontier, and that the fortifications should not be increased.

Mr Jefferson in a report made by him when Secretary of State, intended to be communicated by way of instruction to the commissioners of the United States in Spain, dated March 18, 1792, alluding to the convention at the Pardo, says, 'The convention is to be found in the collections of treaties; but the proceedings of the plenipotentiaries are unknown here. *Qu.* If it was on that occasion that the southern boundary of Carolina was transferred from the latitude of Mattheo or St John's river, further north to the St Mary's, or was it the proclamation of 1763 which first removed this boundary? [If the commissioners can procure in Spain, a copy of whatever was agreed on in consequence of the convention of the Pardo, it is a desirable state paper here.']

The convention of Pardo gave great dissatisfaction in England, and it was the subject of much discussion in parliament. The excitement was so great that the ministry were obliged a few months after to issue letters of marque against Spain, and although the commissioners were appointed under the

* Hist. Abrégeé des Traités, ii. 232.

convention, and met at Madrid, it is evident from the manifesto of the king of Spain, issued in August following, and from the reasons given by him for not paying the sum of money stipulated in the convention, that nothing was done in relation to the settlement of limits.* This is also apparent from the remarkable treaty of perpetual alliance, between the courts of France and Spain, of Oct. 25, 1743†— the germ of the memorable Family Compact formed nearly twenty years later. The tenth article of this treaty is as follows: 'as the safety of Florida cannot be complete, while the new colony of Georgia is suffered to subsist, the establishment of which the English have not been able to the present moment to justify by any good title, their said majesties will take measures to compel the English to destroy this new colony as well as every other fort which they shall build, in the territory of his most Catholic Majesty in America, and to restore the countries or places belonging to Spain, which the English already occupy or shall occupy during the war.'

This war lasted until the peace of Aix la Chapelle, and that peace, instead of quieting the claims of England, placed every thing in relation to territories in America on the footing, 'on which they were or ought to be,' before the war. This stipulation renewed the controversy, and it was not terminated until the peace of 1763, which put the whole of Florida into the possession of Great Britain. The king of Great Britain was thus enabled to settle the northern boundary of Florida at will, and it was done by letters patent, issued under the great seal.

Having traced thus far the history of the northern boundary, we must go back to an earlier period to examine the principles on which depend the true limits on the west, between Florida and Louisiana. Spain, as before stated, extended her claim to the river of Palms, but for a long period she took no actual possession of the western part of this extensive territory. The French first discovered the river Mississippi by approaching it from Canada through some of its tributary streams, and as early as 1682 had traversed nearly its whole course. In 1684, an expedition was fitted out from France, to explore the mouth of the Mississippi, and to make a settle-

* See these documents in the Parliamentary Debates, 1739.

† First published by Flassan. Dip. Francaise, 2d Edit. V. 172.

ment upon it, but they by mistake passed too far west, and founded their colony on the bay of St Bernards, at the mouth of the Colorado, and called it St Louis. This establishment was soon after broken up, and nearly all the settlers perished. In 1699 Mr D'Iberville was sent to explore and settle the mouth of the Mississippi. He stopped at Pensacola, where three hundred Spaniards had three years before formed a settlement. He entered the Mississippi, and named the country Louisiana. He formed a settlement at Dauphine island, which subsisted and was maintained for the purpose of giving a nominal possession to the territory, for a number of years. In 1712, the king of France granted to the sieur Anthony Crozat all the lands possessed by him, bounded by New Mexico and Carolina, including the isle Dauphine, and the river Mississippi from the edge of the sea as far as the Illinois, together with the Missouri and Wabash, and all the countries and territories, and the rivers which fall directly or indirectly into that part of the river St Louis. In 1717, Crozat relinquished his grant, and the colony was transferred to the company of the Indies. About this time New Orleans was settled. The establishment at Dauphine island was transferred to Biloxi. In 1722, the head quarters were transferred from Biloxi to New Orleans, and the settlement at the former place was abandoned; a few years afterwards, the colony was again relinquished to the crown of France.

About the same time that Iberville sailed from Rochfort for the Mississippi, three ships sailed from England, by order of king William, for the same destination, to take possession of the country for the crown of England. He had conceived the design of settling upon it a colony of French protestants. One of these ships entered the river. The following year an English corvette of twelve guns, was met in the river by the French commander, 20 leagues from its mouth, and ordered to withdraw. The English commander obeyed the order, threatening to return with a stronger force. The part of the river where this incident took place is called *Detour aux Anglois* [the English Turn] to this day. The English made no permanent settlement in this country, though they continued to claim it as their territory. Coxe, in his description of Carolina, published in 1722, argues at some length in support of their right to the country. He says that the French had lately made a settlement called Fort Louis, near the mouth of

the Mobile, which is the usual residence of the governor of Louisiana. In this fort were some companies of soldiers, and from them were sent various detachments to secure the several stations in the interior among the Indians. Between this river and the Mississippi the English had resided peaceably for several years, and carried on a considerable trade, till about the year 1715, when in consequence of the intrigues of the French, they were either murdered or obliged to retire. The French had in consequence secured to themselves a profitable trade through an extent of five hundred miles of country, of which the English had been before sole masters. The country was covered by the patent of Charles the second to the proprietors of Carolina, as well as by that of king Louis to Crozat, or the West India company, and the question which had the best right to grant the patent, or what parties had by possession acquired the strongest claim to the country in dispute, was a proper subject of adjustment by negotiation. The question of limits between the American colonies in fact made a subject of discussion at almost every negotiation between the maritime powers, for a long course of years, but these negotiations terminated without any definitive settlement, and in the mean time the colonies were left in a state of perpetual hostility.

By the fifth article of the treaty of Utrecht, made in 1713, it was provided, that commissioners should be appointed to determine the boundaries between Hudson's bay and the places belonging to France, and it was also provided, that the same commissioners should 'likewise regulate the boundaries between the French and British colonies in those countries.' It does not appear that there were any commissioners appointed, or that there was any arrangement made on this subject, under this treaty.*

The fifth article of the peace of Aix la Chapelle adopted the *status ante bellum*, in relation to the American colonies, and directed that 'every thing should be restored to the state in which it was, or *ought to be*, before the war.' 'This expression,' says the author of the *Diplomatie Francaise*, 'became, from its ambiguity, the foundation of discussions relating to the boundaries of Acadia; and Canada, being bounded on the east by the river Mississippi, was a new subject of liti-

* Diplomatie Francaise, par Flassan, vi. 24.

gation, because the English and the French both claimed a right to the lands situated between this river and the Apalachian mountains.' After giving a history of the unsuccessful negotiation on this subject, which is familiar to every one conversant with the history of this period, the same author says, that France committed a double fault, in not settling the question of boundaries at the peace of Aix la Chapelle, and in not having afterwards repaired this fault, by voluntary concessions, which would have prevented still greater losses. 'As to the merits of the question in relation to boundaries, the commissioners could never agree; and the boundaries had been always so badly defined, that it is difficult to say on which side was the right.'*

While the mother countries were in a state of profound peace, and these negotiations for the settlement of disputes relating to the colonies were going on in Europe, open hostilities began between the French and English colonies in this country. The latter became seriously alarmed at the extravagant pretensions of the French, and their design, which now became apparent, of uniting their settlements in Louisiana with those in Canada, by a string of military posts. 'While Great Britain,' says Chief Justice Marshall, in his Life of Washington, 'claimed an indefinite extent to the west, in consequence of her possession of the sea-coast, and as appertaining thereto, France insisted on confining her to the eastern side of the Apalachian or Alleghany mountains, and claimed the whole country whose waters run into the Mississippi, in virtue of her right as the first discoverer of that river. The delightful region between the summit of those mountains and the Mississippi was the object for which these two powerful nations contended; and it soon became apparent that the sword alone could decide the contest.' A Virginian regiment which was sent, under the command of Col. Washington, to protect a grant made to the Ohio company, was attacked by the French and Indians in 1753. An active campaign was opened in 1755, and the same year the memorable defeat of Gen. Braddock took place. Yet war was not declared until the following year. 'It was thus,' says the French author, whom we have before quoted, 'while in Europe overtures of conciliation were making, war broke out in America, kindled by the ambition of the

* Vol. vi. 38.

English, according to the court of Versailles ; and according to that of London, by the aggression of the French, who, before any act of hostility, had sought to dislodge the English from a post situated in the government of Virginia, and had in view extending their sway over the whole country watered by the Ohio and Mississippi.'*

In 1756 war was openly declared by Great Britain. After five years of actual hostilities, in the course of which Great Britain, with the assistance of her colonies, had conquered Canada, negotiations were opened for peace. France proposed to cede and guaranty Canada to England on four conditions; one of which was, 'that the limits of Canada on the side of Louisiana, should be immediately and clearly fixed, as well as those of Louisiana and Virginia, in such a manner, that after the conclusion of the treaty of peace, there should be no difficulties between the two nations, upon the interpretation of the limits in relation to Louisiana, either on the side of Canada or on the side of the other English possessions.'† France made a more specific proposition in relation to the limits of Louisiana, in which she proposed that the Indian nations between Louisiana and the English colonies should be considered neutral, but under the protection of France. Mr Pitt replied to this proposition : 'In regard to fixing the limits of Louisiana, on the side of Canada or the English possessions situated upon the Ohio, and also on the side of Virginia, it can never be admitted that all which is not Canada shall belong to Louisiana, nor that the bounds of the last mentioned province shall extend to the confines of Virginia, or of the British possessions on the banks of the Ohio. The nations and countries which lie between, and which form the true barrier between the said provinces, cannot on any consideration be directly, or by necessary consequence, added to France by allowing them to be admitted, as included in the description of the limits of Louisiana.'‡ The French government replied to this note in the following terms. 'France has not affirmed that all that does not belong to Canada belongs to Louisiana, but demands that all the intermediate nations be considered as neutral, independent on the sovereignty of both crowns, and a barrier between them.'§ It was again proposed as a part of the *ultima-*

* Histoire de la Diplomatie Francaise, p. 30.
† Mably, Droit public, iii. 271.
‡ Note to Mr Bussy, July 29, 1761.
§ Memoire Historique sur la negotiation par le Duc de Choiseul.

tum of France, that the boundaries of Louisiana should be regulated upon a map, in such manner that they might be particularly delineated before the signature of the treaty, and Mr Bussy was ordered to agree to the limits according to the English map. Mr Pitt agreed to the *ultimatum* of France, with certain exceptions, the first of which was as follows. 'The limits of Louisiana, as drawn in a note from Mr Bussy to Mr Pitt, dated August 18th, cannot be admitted, because they in one part include vast countries which Vaudreuil yielded to England, under the description of Canada, and in another, extensive countries and numerous nations, who have been always reputed to be under the protection of England.' France made another proposition, containing a modification of her *ultimatum* relative to Louisiana, but the British government made no answer, and closed the negotiation.

This whole negotiation was conducted upon the express admission that the boundary of Louisiana was unsettled, and was to be fixed by treaty between the conflicting claimants. There is not a diplomatic note, or an official document of any description extant, that we have been able to find, in which it is pretended that there was any settled boundary to that province, previous to the period of which we have been speaking. The French claimed an extensive tract of country on this side the Mississippi, extending from the gulf of Mexico to the lakes, but it was uniformly regarded as a disputed, as well as an indefinite claim. Accordingly we find in all the maps published before the year 1763, a great variety in the extent which is given to the province of Louisiana. If France had an undisputed claim on the east of the Mississippi below 31° N. latitude, she had also in 32° and 36°. Most of the old French maps, indeed, carry Louisiana much farther eastwardly, in the northern part, than they do opposite to Florida—some of them for instance as far as Flint river. We have not observed any map of any considerable note, that makes the Perdido the boundary between Louisiana and Florida. In the chart of the coasts of Louisiana and Florida, 'made at the depot of maps, plans, &c. of the marine, by order of the duke de Choiseul,' the French prime minister, under whose direction the negotiation we have spoken of was carried on, although the boundary is not definitely laid down, Florida extends beyond the Perdido, and as far as the Mobile. We do not find the slightest authority, for assuming the Perdido as the boundary on the side of Flori-

da, except that it is so marked in some of the inferior French maps, for no better reason probably than that it was the nearest river to Pensacola, an acknowledged Spanish post. In an atlas now before us, published at Amsterdam in 1757, Carolina extends to the Mississippi, from its mouth. In another map of the same collection in the Dutch language, Georgia extends to the mouth of the Mississippi. Of the maps published from 1719 to 1764 much the greater number do not fix any definite eastern boundary to Louisiana, except those which bring it to the Mississippi. This we mention, not to prove that the Mississippi was the proper boundary, but to show that the limit was considered as a subject which was unsettled, and to be determined by negotiation. Such a negotiation was begun, as we have shown, in 1761, and proved fruitless. It was renewed, however, the following year, with better success. The propositions already entertained were assumed as the basis of the new negotiation. We have not the particular history of the discussions then held in relation to this question, but we have the result of them in the sixth article of the preliminary treaty of peace, signed November 3d, 1762, and the seventh article of the definitive treaty, signed at Paris, February 10th, 1763, viz.

'In order to establish peace on solid and durable foundations, and to remove forever every subject of dispute in relation to the limits of the British and French territories on the continent of America, it is agreed for the future, that the confines between the states of his Britannic majesty and those of his most christian majesty, in that part of the world, shall be irrevocably fixed by a line drawn through the middle of the river Mississippi, from its source to the river Iberville, and thence by a line drawn through the middle of this river, and the lakes Maurepas and Ponchartrain to the sea; and to this end the most christian king cedes in full property and guaranties to his Britannic majesty, the river and port of Mobile, and all that he possesses or should possess on the left side of the river Mississippi, with the exception of the city of New Orleans, and the island on which it is situated, which shall remain to France.'

This was the first settlement of the disputed boundary; and the eastern bank of the Mississippi was by this stipulation yielded to Great Britain, not as a conquered territory, for the English had made no conquests in that quarter, but as a

country to which the English had before the war a rightful claim, and that not as a part of Louisiana, but as a part of Virginia, the Carolinas, and Georgia, in the patents of which colonies it was all included. It is by virtue of charters granted long before the date of this treaty, that the claims of those colonies, since become independent states, have been extended to the Mississippi. If those claims were not well founded, how could these states, in ceding their western territories to the United States, impose burdensome conditions, as the price for which they relinquished their title? By what right did the state of Georgia in 1802, in ceding to the United States the lands lying between the Chatahouchee and Mississippi rivers, demand in consideration of this cession, one million two hundred and fifty thousand dollars in money, besides other considerations, which have already cost the government of the union several hundred thousand dollars, if the charter of Georgia, granted by the king of Great Britain before the treaty of 1763, did not extend to the Mississippi? It cannot be contended that one rule of construction is to be adopted in relation to that part of the boundary line of Louisiana, which divides the province from the United States, and another in relation to that part which divides it from Florida. If the treaty of 1763 was the acknowledgment of a previously existing right in Great Britain, to the western territories of Virginia, Carolina, and Georgia, it was a like acknowledgment of her right to Florida westward of the Mobile. There is not a document extant, published before the late cession of Louisiana, which makes any distinction in this respect. To admit, therefore, that France ever lawfully possessed an inch of territory east of the line drawn by the treaty of 1763, is to annihilate the claims of Virginia, the Carolinas and Georgia beyond the mountains, under their charters granted before the date of that treaty. The French were in possession when the treaty was made not only of the military post at Mobile in Florida, but of forts Tombeckby and Thoulouse, each more than a hundred miles north of the Florida line; and of several other posts farther north. Not only the history of the negotiation, and the terms of the treaty itself, but the uniform language of the historians of this period, show that this transaction was not regarded as a cession of a part of Louisiana, but as a definition of the boundaries of that colony, as possessed by France.

By a secret treaty between the courts of Versailles and Madrid, signed on the same day with the preliminary treaty of peace, November 3d, 1762, and which has never been published, Louisiana and the city of New Orleans were ceded to Spain. The French inhabitants of Louisiana, however, had no knowledge of this cession until April 21st, 1764.* They protested earnestly against the transfer, and the Spaniards did not take possession of the colony until August 18th, 1769. The king of France, in a letter of instructions to Mons. L'Abbadie, director general and commandant of Louisiana, says, that by a special act, done at Fontainbleau, November 3d, 1762, he has ceded to the king of Spain 'in full property, purely and simply, and without any exceptions, the whole country known by the name of Louisiana, together with New Orleans, and the island in which said city is situated.'† This letter furnishes additional proof, if any can be supposed to be necessary, that France, in acknowledging the Mississippi as the boundary, did not consider that act a cession of a part of Louisiana to Great Britain, but an admission that the whole country known by the name of Louisiana, as rightfully possessed by France, was situated on the west of that river.

The king of Spain who was a party to the treaty of Paris of 1763, by the twentieth article, ceded to Great Britain, Florida and all that Spain possessed on the continent east of the Mississippi. In consequence of this treaty, the king of Great Britain, on the 7th of October, issued his proclamation, declaring that he had, by letters patent under the great seal, erected within the countries ceded and confirmed to him by the treaty, four distinct and separate governments, viz. Quebec, East Florida, West Florida, and Grenada. East Florida was bounded west by the gulf of Mexico and the Apalachicola river; north by a line drawn from the mouth of Flint river, to the source of the St Mary's, and by the course of that river to the ocean; east and south by the Atlantic ocean and the gulf of Florida, including all islands within six leagues of the sea coast. These are the precise boundaries which this province retains to this day. West Florida was bounded south by the gulf of Mexico, including the islands within six leagues of the coast; west by lakes Ponchartrain and Maurepas, and the

* Histoire Abrégée des Traités de Paix.

† Ellicott's Journal; also Laws of the United States, edition of 1814, i.

Mississippi; north by a line drawn along the thirty-first parallel of latitude; and east by the Chatahouchee and Apalachicola rivers. The northern boundary was afterwards extended to a line drawn from the mouth of the Yazoo river due east to the Chatahouchee, that the colony might include the settlements at Natchez. The letters patent for an establishment of these governments authorized the governors, as soon as the circumstances of the colonies would admit, to call general assemblies, who with the governor and council should have power to make laws for the good government of the colonies, under the regulations and restrictions used in the other colonies. The two colonies thus constituted remained under the administration of British governors, until West Florida was conquered by the Spanish arms in 1779 and 1780, and that colony with East Florida was relinquished by treaty.

By the treaty of peace between Great Britain, France and Spain, the former ceded and guarantied to Spain, in full property, both East and West Florida. The treaty between Great Britain and the United States, however, made on the same day, established the southern boundary of the United States, forming also the northern boundary of West Florida, on a line drawn along the thirty-first parallel of latitude, from the Mississippi to the Chatahouchee. Spain remained in possession of West Florida with the limits which had been given to it under the British government, until the settlement of the boundary line between the United States and Florida in the year 1797. It was then with difficulty that the Spanish commandant at Natchez was induced to surrender that post to the officer of the United States. Spain in the mean time continued to govern West Florida, including Natchez, and the other settlements on the left bank of the Mississippi as a distinct colony. The governor at Natchez, however, was subordinate to the governor general at New Orleans, who had the title of 'Commandant General of Louisiana, West Florida, &c.'

October 27th, 1795, a treaty of friendship, limits, and navigation was concluded between the United States and Spain. By this treaty it is agreed that the boundary between the United States and the colony of Louisiana is in the middle of the channel of the Mississippi; and that 'the southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line, beginning on the river Mississippi at the northern-

most part of the thirty-first degree of latitude.' This shows that it was still understood by the governments of Spain and the United States, that the colony of West Florida extended to the Mississippi. By another article of the treaty it is agreed, in consequence of the stipulation relative to the boundary, that the citizens of the United States shall have permission to deposite their merchandise and effects at New Orleans, or at some other equivalent establishment on the bank of the Mississippi. It is agreed by the same treaty, that the navigation of the Mississippi in its whole breadth shall be free to subjects of Spain, and citizens of the United States.

On the first of October 1800, by a treaty no part of which except the article here cited has been published, made at St Ildephonso between the king of Spain and the first consul of the French republic, it was agreed as follows; 'his catholic majesty promises and engages on his part to retrocede to the French republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the Duke of Parma, the colony or province of Louisiana with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it ought to be after the treaties subsequently entered into between Spain and other states.' Before possession of this colony was actually given to France, by virtue of this retrocession, the treaty was made between France and the United States, dated at Paris, April 30th, 1803, by which the province of Louisiana was ceded to the United States, 'with all its right and appurtenances, as fully and in the same manner as they have been acquired by the French republic, in virtue of the abovementioned treaty.'

The government of the United States, in taking possession of the country thus ceded to them, have considered themselves not bound by the definition of the limits of Louisiana in the treaty of 1763; but on the ground that when France formerly possessed that province, it extended to the river Perdido, they have considered that part of West Florida lying between the Mississippi and the Perdido as a part of Louisiana, and have accordingly, by virtue of the Louisiana treaty, taken possession of that country, and annexed to it the states of Mississippi and Alabama.

Upon the construction of the passage just cited, of the treaty of Ildephonso, depends the extent of the territory ac-

quired by the United States, under the treaty of 1803; but that construction can be settled only by reference to the history of the previous transactions. We have, therefore, given a brief narrative of the material facts which have a bearing upon the question. If the view of facts which we have given be correct, and we find no authority for any different view, the language of the treaty now quoted admits of but one interpretation, which is in substance as follows; 'his catholic majesty promises to cede back to the French republic the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when ceded to her by France; subject, however, to such engagements as have been since entered into in relation to it, between Spain and other states.' The territory ceded, as described in the treaty is, 1st, 'the colony or province of Louisiana.' The country lying between the Mississippi and the Perdido did not at the time when the treaty was made constitute a part of Louisiana, but formed an important part of another province, known both officially and in historical and geographical works, and in common language, in Spain, France, and America, under the name of West Florida. 2d. It is Louisiana 'with the same extent that it now has in the hands of Spain,' and consequently bounded on the east by the rivers Mississippi, and Iberville, and the lakes Maurepas and Ponchartrain. 3d. It is to be ceded back with the same extent 'that it had when France possessed it.' What more obvious meaning can be given to this clause, than that it was to be ceded back with the same extent that it had when France ceded it? But grant that this construction will admit of doubt, it has been seen that France never possessed, by a clear title, any thing east of the Mississippi; that what she claimed beyond this river always was disputed, and when the boundary was settled, the whole east bank of the river was given to her adversary, expressly on the ground of a previous right, and not as a cession of a purchased or conquered country; that France possessed Louisiana, actually bounded by the Mississippi, from the year 1763 to 1769; and finally that the king of France, when he informed the governor of Louisiana of the cession to Spain, told him that he had ceded 'without any exceptions the whole country known by the name of Louisiana.' It cannot be pretended that the words used in the treaty of Ildephonso, 'with the extent that it had when France possessed it,' are of more exten-

sive import than the words of the king of France immediately after the treaty of 1763, 'the whole country known by the name of Louisiana, without any exceptions;' yet it is perfectly well known that the latter description was meant to apply only to Louisiana, as it was bounded east by the Mississippi and the Iberville. The conclusion is irresistible, that this part of the description was not intended to enlarge the actual province of Louisiana. 4th. It is ceded back to France 'such as it ought to be after the treaties subsequently entered into between Spain and other states.' And what ought it to be subsequently to the treaties alluded to? Had Spain made any treaties by which she engaged to enlarge the boundaries of Louisiana? No; but she had entered into a treaty with Great Britain by which she had acquired East and West Florida, and it is contended that this is the treaty alluded to. But with what propriety is it argued, that what West Florida obtained from Great Britain by the name of West Florida, and retained by the name of West Florida, ought to become a part of Louisiana, when there is no engagement in that treaty, or in any other document, to annex it to Louisiana? But on the other hand Spain had entered into a treaty with another power, viz. with the United States, restraining the limits of Louisiana, and subjecting that province to certain territorial engagements. It is these engagements which France ought to have assumed in obtaining the retrocession of Louisiana, and it is these which we contend these words of the treaty actually embrace. By virtue of this clause, France received Louisiana subject to the stipulations of the treaty of 1795, not only in relation to the eastern boundary, but in relation to the right of deposit, and the navigation of the Mississippi. We avoid, for various reasons, going into any examination of the negotiations for the cession of Louisiana and Florida, between France and Spain, and between France and the United States, and also of the negotiations between the United States and Spain in relation to the disputed boundary. But before closing what we have to say on this topic, we will quote a passage from a state paper of very high authority, in support of the interpretation which we have given of the Louisiana treaty.

In the year 1804, Mr Monroe, then our minister plenipotentiary to the court of Spain, while on his way to Madrid, with instructions to open a negotiation for the settlement of the disputed boundary, and also for the purchase

of Florida, and Mr Livingston, our minister plenipotentiary in France, addressed letters to Mr Talleyrand, soliciting of the emperor of France, at that time on the most friendly terms with this country, his good offices with the king of Spain, in accomplishing the objects of the negotiation. They also laid before Mr Talleyrand the translation of a memoir on the limits of Louisiana, which had been sent to them by the Secretary of State. The application of Mr Monroe was answered by Mr Talleyrand in an official note, dated December 21st, 1804, from which the following passage is extracted.

'Among the observations made on this subject by Messrs Livingston and Monroe, his imperial majesty has been obliged to give particular attention to those bearing on the discussions, of which the object is peculiarly interesting to the French government. He has perceived, that he could not be a stranger to the examination of these discussions, since they grow out of the treaty by which France has ceded Louisiana to the United States, and his majesty has thought that an explanation, made with that fidelity which characterizes him, on the eastern boundaries of the ceded territory, would put an end to the differences to which the cession has given rise.

'France, in giving up Louisiana to the United States, transferred to them all the right over that colony which she had acquired from Spain. She could not, nor did she wish to cede any other, and that no room might be left for doubt in this respect, she repeated in her treaty of 30th of April, 1803, the literal expressions of the treaty of St Ildephonso, by which she had acquired that colony two years before.

'Now it was stipulated in her treaty of the year 1801, that the acquisition of Louisiana by France was a *retrocession;* that is to say, that Spain restored to France what she had received from her in 1762. At that period, she had received the territory bounded on the east by the Mississippi, the river Iberville, the lakes Maurepas and Ponchartrain. The same day France ceded to England, by the preliminaries of peace, all the territory to the eastward. Of this, Spain had received no part, and could, therefore, give back none to France.

'All the territory lying to the eastward of the Mississippi and the river Iberville, and south of the thirty-second degree of north latitude, bears the name of Florida. It has been constantly designated in that way, during the time that Spain held it; it bears the same name in the treaty of limits between Spain and the United States, and in different notes of Mr Livingston, of a later date than the treaty of retrocession, in which the name of Louisiana is

given to the territory on the west side of the Mississippi; of Florida, to that on the east side of it.

'According to this designation, thus consecrated by time, and even prior to the period when Spain began to possess the whole territory between the 31st degree, the Mississippi and the sea, this country ought, in good faith and justice, to be distinguished from Louisiana.

'Your excellency knows, that before the preliminaries of 1762, confirmed by the treaty of 1763, the French possessions, situated near the Mississippi, extended as far from the east of this river towards the Ohio and the Illinois, as in the quarters of the Mobile; and you must think it as unnatural, after all the changes of sovereignty which that part of America has undergone, to give the name of Louisiana to the district of Mobile, as to the territory more to the north on the same bank of the river, which formerly belonged to France.

'These observations, sir, will be sufficient to dispel every kind of doubt with regard to the extent of the retrocession made by Spain to France, in the month of Vendemaire, An. IX. It was under this impression that the French and Spanish plenipotentiaries negotiated, and it was under this impression that I have since had occasion to give the necessary explanations when a project was formed to take possession of it. I have laid before his imperial majesty the negotiations of Madrid, which preceded the treaty of 1801, and his majesty is convinced, that during the whole course of these negotiations the Spanish government has constantly refused to cede any part of the Floridas, even from the Mississippi to the Mobile.

'His imperial majesty has, moreover, authorized me to declare to you, that at the beginning of the year XI, General Beurnonville was charged to open a new negotiation with Spain for the acquisition of the Floridas. This project, which has not been followed by any treaty, is an evident proof that France had not acquired by the treaty, retroceding Louisiana, the country east of the Mississippi.'

There are other circumstances tending farther to illustrate the view which we have taken of this topic, which we forbear to enumerate; having already protracted this part of our article to a much greater length than we had intended. We have thought the question, notwithstanding the settlement of the controversy between our government and that of Spain, still deserving of great consideration. It will probably become a question of considerable interest in a pecuniary view, to many of our citizens, as it is already to Spanish claimants of lands in the debatable territory. By the Spanish treaty, the

amount of claims on Spain for which our citizens get an indemnity, is charged with interest upon the sales of lands in Florida. As there is little probability that the proceeds of sales of lands in Florida will ever be sufficient to cover the annual interest of the stock proposed to be created, it may be of some consequence to the holders of this stock, that the part of Florida already annexed to the states of Mississippi and Alabama should be considered as included in the pledge of lands for its redemption, and for the payment of the interest.

We return after this long digression, to complete the brief sketch which we have undertaken to give of the principal events in the history of Florida. Menendez, the Spanish governor, rebuilt the fort of St Mattheo, after it was destroyed by De Gourgues, and continued for some time in the command of that place, and of St Augustine. There was less of eclat however in the sequel of his administration, than in its commencement. We have already mentioned that he never fulfilled the condition of his appointment, viz. that he should furnish an accurate chart of the coast of Florida. No survey of this coast was ever made by the Spaniards, though they have been in possession of it for the space of two centuries. A variety of nautical observations were made by Gonzales Carranza, about the year 1718, but they remained in manuscript until they were published in London in 1740. In 1755, Thomas Lopez and Juan de la Cruz, published a marine chart of the gulf of Mexico, and the isles of America, but the coast of Florida is very inaccurately laid down upon it. After Florida came into the possession of Great Britain, the Lords Commissioners of the Admiralty, sent out Mr George Gauld to make a thorough survey of the whole coast. He was employed in surveying the coasts and harbours of West Florida, and the west coast of East Florida from the summer of 1764, to the year 1781, when he was made prisoner by the Spaniards, in their invasion of Florida. These surveys were not published until the year 1790, after the death of Mr Gauld.* Mr Ellicott, speaking of the navigation of this coast, says, 'Mr Gauld's surveys of the Dry Tortugas and the Florida reef and keys, easterly to Key Largo, made by direction of the Board of Admiralty of Great Britain, may justly be considered as one of the most valuable works of the kind extant.'† Much re-

* See Dr Lorimer's pamphlet. †Journal, p. 254.

mains to be done by our own government in improving the charts of this dangerous coast.

It does not appear precisely at what time Menendez left his government of Florida, but we find him mentioned by Grotius, as unsuccessfully employed in 1575 in another service, and as infamous among his own countrymen for his treachery and cruelty in Florida. In consequence of his failure in the expedition here alluded to, he put an end to his own life. His nephew, Don Pedro Menendez Marquez, the same person who was admiral of his fleet, on his first Florida expedition, succeeded him as governor of the province, and we find him in the office in the year 1586. This shows the inaccuracy of Mr Brackenridge's statement, that about the time of the expedition of De Gourgues, St Augustine and all Florida were abandoned by the Spaniards.* In the year last named, Sir Francis Drake returning with his fleet to England, after a successful cruise, in the course of which he had captured and burned the principal town of St Jago, one of the Cape de Verd islands, levied a contribution of 25,000 ducats on the town of St Domingo, and a sum of 110,000 ducats on Carthagena, after having burned a part of the town ;—coasting along the eastern shore of Florida, accidentally discovered a beacon, which he thought indicated that some Spanish settlement was near. No person on board of his fleet had any acquaintance with the coast, but he landed with part of his troops, and marching a little distance up the river, discovered a fort and a town three miles distant. The Spaniards on seeing him approach, after firing a few guns, abandoned the fort with great precipitation, leaving behind fourteen pieces of brass ordnance, and a chest containing £2000 sterling in silver. The garrison consisted of 150 men. The next day, after a slight opposition, he entered the town, which he found was called St Augustine, and that it was, with another post on the St John's, under the command of Don Pedro Menendez Marquez. The valiant admiral was one of the first among the Spaniards, to seek safety by flight. Drake learning that there was another fort at St Mattheo, with a garrison of 150 men, at first resolved on attacking it; but on considering the hazard he should run, from a want of knowledge of the coast, he changed his purpose and proceeded to Virginia, and after

* Views of Louisiana, p. 16.

taking off the infant colony there, returned to England. Hume, speaking of this adventure, says 'they burned St Anthony and St Helen, two towns on the coast of Florida.'* There was no such town as either. He plundered and burned St Augustine, but for the reason above mentioned, did not visit the only other town in Florida, distant twelve leagues towards cape St Helens.†

After the date of this adventure we hear little of Florida for many years. De Laet in 1633, and Sanson in 1662, describe St Augustine and St Mattheo as the only Spanish settlements in Florida, and the former as the most considerable. In 1665 Capt. Davis, admiral of a squadron of pirates, landed near St Augustine and marched directly to the town, which he took possession of and plundered, without the slightest opposition from a garrison of two hundred men in the fort. The fort at this time consisted of 'an octagon defended by round towers.'

In the year 1696 the Spaniards, under Arriola, established a colony at Pensacola, where they erected a fort, called Fort Charles, a church, and several houses. They maintained a small garrison here for several years. About the same time probably they established themselves at St Marks.

In the year 1702 Col. Moore, governor of Carolina, procured an act of assembly to be passed, authorizing an expedition against Florida. It is asserted by a historian of that time, that the true design of the expedition 'was no other than catching and making slaves of Indians, for private advantage.'‡ This however does not appear to be entitled to much credit, as there was another and more honorable motive for the undertaking. Two thousand pounds were raised to defray the expenses, and six hundred English troops, and an equal number of friendly Indians were enlisted. A part of the expedition under Col. Daniel, a brave officer, sailed for the St John's, there landed and took possession of two small Spanish settlements, and proceeded thence by land to St Augustine, and entered the town without opposition. The inhabitants had retired with their most valuable effects into the castle, and were prepared for a siege. Gov. Moore, arriving the next day with the fleet, landed and entrenched himself before the town. It was found necessary to despatch Col. Daniel to Jamaica to procure mor-

* History of England. † De Laet, 19.

‡ Oldmixon's British Empire in America, 349.

tars and bombs for carrying on the siege, and in the mean time two Spanish ships of war of twenty two and sixteen guns appearing off the harbour, and being mistaken for ships of a very large size, Gov. Moore hastily raised the siege, and retreated over land to Charleston, a distance of three hundred miles through the wilderness. The fleet was abandoned to the Spaniards, and Col. Daniel on his return from Jamaica came near being taken prisoner. The Spanish garrison did not exceed two hundred men. By this expedition the province of Carolina incurred a debt of six thousand pounds, and the failure of the enterprise caused great discontent. To wipe off the ignominy of this failure, another expedition was soon undertaken against the Apalachian Indians, which was attended with better success. The governor, at the head of a body of militia and friendly Indians, entered their territory, and laid several of their towns in ashes.

Charlevoix, the celebrated traveller, while on his return from Louisiana to France in April 1722, was shipwrecked on the Martyrs, and with great difficulty escaped the usual fate of those who fall on these dangerous shoals. He succeeded, after severe hardships, in getting into St Marks. He relates that the Spaniards had formerly had a considerable establishment there, but that in the year 1704 it was attacked by the English from Carolina, and a large party of Indians—taken, and destroyed; that at that time the garrison, which had previously been much larger, consisted of only thirty-two men; and that of this number seventeen were burned by the Indians. At the time of his visit, the Apalachy Indians, who had formerly been masters of an extensive country, were reduced to almost nothing. The forests and prairies were full of cattle and horses, which had been introduced by the Spaniards, and had been permitted to multiply. The Spaniards then talked of re-establishing St Marks on a more respectable scale. It was a dependency on St Augustine, from which it was distant by land eighty leagues.

The traveller proceeded thence to St Joseph, on the bay of that name, distant in the direction of Pensacola, about thirty leagues. This was at that time a very considerable place. There was a fort well supplied with artillery, and with a numerous garrison. There were several officers, most of whom had their families with them. The houses were neat, convenient, and well furnished. But he remarks of this post, which

has been long since entirely deserted, 'I do not believe there is a place in the world where one ought less to expect to find men, especially Europeans, than at St Joseph. The situation of the bay, its coast, its soil, every thing that surrounds it, is such that one cannot comprehend the reason which should induce the Spaniards to establish themselves there; a flat coast, exposed to every wind; a barren sand, a forlorn country that can have no kind of commerce,' &c. The motive of the Spaniards in retaining possession of this unpropitious spot was to keep the French from it. The French had previously attempted to plant themselves there, but had been driven away by force, before they had learned that the place was unfit for habitation.

In 1716 a number of West India traders fitted out from Jamaica a squadron of four vessels, and placed them under the command of Henry Jennings, for the purpose of making reprisals on the Spaniards for the losses they had sustained from their *guarde de côtes*, which had, under various pretences, detained and confiscated many of their vessels. They sailed for the Martyrs, and there found the Spaniards engaged in recovering a part of the treasure which had been lost two years before in the wreck of the Plate fleet, on its voyage to Europe. The little fleet came to anchor and suddenly landed three hundred men, who attacked and dispersed the Spanish guard, and seized 350,000 pieces of eight, that had been recovered by the divers, and were deposited on shore. With this money they returned safely to Jamaica.

In May 1719 Pensacola was suddenly attacked by four hundred French troops from Louisiana, and eight hundred Indians. The garrison, which consisted of only a hundred and fifty Spanish troops, surrendered on condition of being conveyed with their baggage to Havana. The French ships which were sent to Havana, in execution of this agreement, were met, attacked, and captured near their port of destination by a fleet, which had just sailed for the purpose of making a hostile visit to Carolina. The Spanish fleet returned to Havana with these prizes, and its destination being changed, was immediately sent with this reinforcement to repossess the town of Pensacola. They arrived in August before Pensacola, having a force of eighteen hundred men, six hundred of whom were regular troops. The French garrison was obliged to surrender as prisoners of war. In September the French again ap-

peared off the place with six large ships full of troops, and the Indians invested it by land. The ships attacked and battered down a stockaded fort which had been built on the point of the island St Rosa, and defeated the Spanish fleet after an obstinate resistance of two hours and a half. The garrison of the great fort then surrendered, being apprehensive of the result of an assault from so powerful a force, consisting in great part of Indians. The French continued to keep possession of the place until the peace in 1722, when it was restored by treaty to the Spaniards. They soon after transferred to it the garrison and inhabitants of St Joseph, and endeavoured to render it a place of some importance. While it remained in the hands of the French it was visited by Charlevoix. In describing his voyage from Pensacola to Louisiana he says, 'we left on the right the *Rio de los Perdidos*, a river celebrated by the shipwreck of a Spanish ship, the loss of which, with her whole crew, gave rise to this name.' In 1726 a small town was built on the west side of Rosa island, near the present fort, on the bay of Pensacola. In 1754 the town was removed to the place where it now stands. After the English took possession of the province, a full examination was made, with a view of ascertaining the best situation in the bay for the town, and the present site being preferred, the town was regularly laid out. This was in the year 1765. The town is of an oblong form, and lies parallel to the beach. It is a mile in length, and a quarter of a mile in breadth. It is partly surrounded by two brooks, which rise under Gage hill, and discharge themselves one at each extremity of the town. The soil is sandy, but with proper attention gardens are made to produce a great plenty of vegetables, and oranges, figs, and peaches are raised here in perfection.

In 1740 Florida was invaded by a force, consisting of more than two thousand men, raised by great exertions and at great expense in Georgia, the two Carolinas, and Virginia, and led by Gen. Oglethorpe, assisted by a small squadron of British ships of war. This expedition, which it had been confidently expected would crush the Spanish power in Florida, though apparently conducted with skill and spirit on the part of the commanding officer, entirely failed. Two years afterwards, Georgia, in her turn, was invaded by a still larger force fitted out at Havana and St Augustine, but this expedition of the Spaniards proved equally unsuccessful with that, with which they

themselves had been threatened. They entered the Alatamaha, and after landing their troops, and menacing the town of Frederica, they were so effectually resisted by Gen. Oglethorpe, that they reembarked with great precipitation, leaving behind them a part of their artillery and military stores. The details of these two enterprises are familiar to every reader of American history.

Florida, when it was ceded to Great Britain by the treaty of 1763, contained about three thousand inhabitants; but these, on its transfer to its new owners, all retired to the island of Cuba; so that Great Britain acquired, strickly speaking, nothing but a desert. The value of this desert they greatly overrated, and high expectations were entertained of rendering it a flourishing and productive colony. Great efforts were made for this object. Considerable grants were made by the government to encourage the settlement and cultivation of the country, and several attempts were made by private companies to establish plantations here.

In 1765, Gov. Brown led to Florida sixty-nine French protestants, skilled in the cultivation of the vine and of silk. He carried out also carpenters, coopers, forgemen, tanners, and other artizans, to the number of two hundred and nine persons. All these persons were supported and put in possession of tracts of land of various extent, at the expense of the British government. They planted, in different parts of the colony, rice, tobacco, jalap, and indigo. The government also gave encouragement to the inhabitants of the bay of Honduras to form an establishment here. In 1769 alone, parliament granted more than nine thousand pounds for objects of this nature.

In 1767, Dr Trumbull and a company of gentlemen, encouraged by some promises of aid from the British ministry, established a colony, called New Smyrna, at the mouth of Musquito river. They transported thither, from the island of Minorca, thirteen hundred and forty colonists, principally Greeks, and the rest Italians and Germans. They consisted of whole families, and the greater part were transported at once, in eight large ships. They had an unpleasant voyage, and it is said that although many died, so many were born on the passage, that a greater number landed in Florida than embarked in Europe. They were furnished with every thing necessary to begin their settlement, by the proprietors;

were provided gratuitously with land, and were required to pay in labor for the other advances made them, according to indentures executed before their emigration. They cultivated corn, indigo, the olive and the vine. They had no slaves. In 1776 they had cleared twenty-three hundred acres of land, were provided with a good stock of domestic animals, had raised produce enough for their own consumption, and had exported sixty-seven thousand five hundred pounds of indigo. The capital advanced by the company was £30,000 sterling. But the settlers became dissatisfied, altercations arose between them and the proprietors, and finally the establishment was entirely broken up. The settlers principally removed to the capital.

The length to which this article is already protracted will not admit of our tracing the history of the Floridas under the British administration, nor after its retrocession to Spain. A review of this portion of their history is the less necessary, as the work of Mr Forbes furnishes nearly all that could be desired in relation to the most interesting portion of this period. His work relates principally to the history and condition of Florida, and more particularly of East Florida while it was a British province, and furnishes, either from his personal observations, or from unpublished documents, much valuable information. We regret that we have not room to speak of the work more particularly. In that part which relates to the early history of the country, and which is very compendious, there are some errors.

Of Mr Darby's book we cannot speak with so much commendation. It is principally a loose compilation, drawn up with the air of precision, but without that accuracy in details which can command confidence. Take for example the following geographical description on the first page.

'This country, as ceded to the United States by the *recent* ratified treaty with Spain, has the Atlantic ocean and the Bahama channel to the east; Florida or Cuba channel south; the gulf of Mexico west or south-west; Perdido bay and river west; and Alabama and Georgia to the north.

Miles.

'Florida has an exterior limit on the Atlantic ocean, between the mouth of St Mary's river and Cape Sable 450

'Upon the gulf of Mexico between Cape Sable and the inlet of Perdido - - - - - - - - - 600

'Interior limits, with Alabama, up the Perdido and to the thirty-first degree of north latitude - - - - - 40
'Along Alabama and north latitude thirty-one degrees to the right bank of Chatahouchee river - - - - - 140
'Thence with Georgia, down Chatahouchee, to the junction of that stream and Flint river - - - - - - 40
'Thence to the source of St Mary's river - - 140
'Down the St Mary's to the mouth - - - - 80

'Having an entire outline of - - - - - 1490

Passing over the assumption, that this country, as ceded by the late treaty, is bounded on the west by Perdido bay and river, it may be observed, that here is a particular statement of the extent of the outline of the country, which one would naturally suppose must be founded on precise information. But on examination it will be found to be only a rough estimate, not even founded on the best information that might be obtained. Of the maritime border we are not aware that there has been any admeasurement. But of the interior limits, the western border, which is here stated at forty miles, measures on Mr Darby's own map at least fifty miles. 'Along Alabama and north latitude 31° to the right bank of the Chatahouchee river,' which is here stated at a hundred and forty miles, according Mr Ellicott's official survey is a hundred and thirty-four miles. 'Thence with Georgia, down Chatahouchee river, to the junction of that stream and Flint river' is stated at forty miles. Mr Ellicott's survey makes it twenty-five miles. 'Thence to the source of St Mary's river,' stated at a hundred and forty miles, according to Mr Ellicott is a hundred and fifty-seven miles. 'Down the St Mary's to the mouth' is stated at eighty miles. The course of the St Mary's, as laid down in Mr. Ellicott's maps, if measured in all its windings, is at least ninety miles.

In the map which accompanies this volume, the peninsula of East Florida is laid down nearly half a degree wider, than we find it in the best marine charts. The author has also made too high an estimate of the superficial extent of this country. But we do not mean to enter into a minute examination of the book. We cannot, however, forbear remarking, that for a work under the assuming title of *a memoir on the geography and natural and civil history of Florida*, a country about which so much has been written, and which has been the

theatre of so many interesting events, this is but a slight and superficial performance. There are many old and rare books, which contain interesting notices of this country; and a memoir on its natural and civil history, such as might be drawn up from these ample materials, would form a very interesting work. Many of these works, it is true, are not often met with, and for this reason such a work as we have mentioned would be the more valuable. Nearly all the works of value relating to Florida, as well as to every other part of America, are to be found in the library of the Boston Athenæum, as well as in the Ebeling library at Cambridge. We had intended to annex a list of the choicest books relating to this subject, to be met with in these collections; but it is time to bring this article to a close.

ART. V.—*American Medical Botany; being a collection of the native Medicinal Plants of the United States, containing their botanical history and chemical analysis, and properties and uses in medicine, diet, and the arts, with coloured engravings. By Jacob Bigelow, M. D. Rumford Professor and Lecturer on Meteria Medica and Botany in Harvard University.* Boston, Cummings & Hilliard, 1817—1821. 6 nos. or 3 vols. imp. 8vo.

A large portion of this work has been before the public long enough to have been duly appreciated; and several notices of it, more or less extended, have already appeared in the literary and scientific journals of the day. We have not, therefore, made it the subject of this article, in the expectation of giving any wider diffusion to the high reputation of the author, than that which the well known character of his writings has already gained him: but we mean to consider it, in a botanical point of view only, for the single purpose of ascertaining what additions it has made to the science of natural history. The task of investigating our botany has, in times past, been too much abandoned to the zeal and curiosity of foreigners, and, with a few honorable exceptions, while we ourselves were devoted to the more profitable employments of commerce and agriculture, a Catesby, a Kalm, a Michaux, or a Pursh was reaping a harvest of fame on our own soil, and teaching us to admire the grandeur of our own majestic forests and luxuriant savannahs. But now that botanical science is flourishing among

us under the legitimate auspices of Americans, we can look back upon its progress without feeling mortified by the retrospect, when we find it cultivated not only by Clayton, Bartram and Colden, but more recently by Muhlenberg, Barton, Bigelow, Elliott and Nuttall.

On examining the printed sources, from which a knowledge of our botany may be derived, we shall perceive them to be of three kinds : either botanical works exclusively devoted to some section of the country, like the Floras of Gronovius and Pursh; or collections entering into more entensive publications, such as the Species Plantarum ; or detached notices scattered through periodical journals, elementary treatises, histories and itineraries. And, although several authors have professed to give us a collection of the plants of this whole continent, we believe that hardly a single vegetable of North America has been described, always excepting the plants of Mexico and Greenland, which cannot be indicated growing spontaneously within the present enlarged limits of the United States. The few plants which naturalists have collected in Canada, and even those in the Banksian Herbarium, as described by Pursh, which were brought from the North-West Coast, from Labrador, and from Hudson's Bay, we think may all be found in this country. And for this reason we protest against the comprehensive title, which several modern writers, Michaux, Pursh and Nuttall, have seen fit to assume for their works : considering the botanical collections, which have appeared under the name of North American plants, to be rightly appropriated to the states and territories of our republic, stretching, as they now do, from the lakes to the gulf of Mexico in one direction, and in the other from the Atlantic to the Pacific ocean, and embracing in these boundaries every conceivable variety of situation, climate and soil. Having premised these considerations, we propose, in the first place, to take a brief review of the principal botanical works that have been published relating to the United States, and next to inquire how far these works will go towards affording us the materials for a perfect history of our plants.

Although every navigator, from the time that Europeans first became acquainted with this country, was struck with the richness and profusion of our vegetable productions, and although several plants, such as the sassafras, ginseng, tobacco and others, soon became important objects of com-

mercial enterprise, we find little scientific attention to have been paid to our botany at a very early period. How interesting our scenery appeared to Europeans may be judged from the account of Gosnold, the first who explored New England, the least favored, perhaps, in its vegetable aspect, of any part of the United States. This navigator represents himself to have been utterly astonished at the rich appearance of the country, which seemed to him like one extensive park planted by the hand of nature, where he saw deer wandering at large in stately forests, and innumerable plants blooming around him spontaneously, which were highly prized and cultured with solicitude in England. But the vague and cursory notices of our vegetables given by early travellers are not of much use to the botanist at this time, excepting that they sometimes enable him to establish, what might otherwise be doubtful, the birth-place of plants, which are now common to both the old and new worlds. In this way, for instance, we know that some of our most common plants, such as the Chrysanthemum leucanthemum, were introduced from abroad; and that others, like the Pyrola umbellata, which we hear of as a medicine among the aboriginal inhabitants of the country, or the Drosera rotundifolia, mentioned by Josselyn, are indigenous to America as well as Europe.

The earliest systematic work on the botany of this portion of America is by Cornuti, (often incorrectly called *Cornutus*), entitled a History of the Plants of Canada, a small quarto volume in Latin, printed at Paris in 1635, containing descriptions and coarse engravings of sixty or seventy of the most remarkable plants found in New France. Cornuti briefly enumerates the medical uses and botanical characteristics of these few plants, and, as none of them had ever before been described, the book once attracted so much notice as to be spoken of with respect by Haller in his Bibliotheca Botanica.

Beside what is contained in Cornuti, some information with regard to our botany may be gleaned from several other collections published in the same century, particularly Gerard's Herbal, Ray's History of Plants, Plukenet's Almagestum, Amaltheum and Phytographia. One or two of the provincial histories also contain such botanical intelligence, as their authors could gather without any well directed views of science. The most complete work of this kind is Brickell's Natural History of North Carolina, printed in 1737, which is occasionally

quoted by the younger Michaux. Charlevoix's History of New France, published in 1745, may be mentioned, too, as affording a few curious details, with not inaccurate engravings, of nearly a hundred plants of Canada and Louisiana. But these books, like Josselyn's Rarities of New England, are all too superficial, in the nature of their information, to admit of much application to the ends of modern botany.

Previously, then, to the revolution effected in natural science by Linnæus and the subsequent zeal displayed by philosophers in exploring different countries for the purpose of making scientific discoveries, the only valuable work on the botany of this country is Catesby's Natural History of Carolina, Florida, and the Bahama islands. And it is observable that, as the meridional parts of America, in consequence of the mildness of their climate and the superior richness of their productions of every kind, were the first to be settled by Europeans, so the natural history of those tracts of the new world was quite familiar to philosophers much earlier than that of the more northerly sections of the continent. Hence we find the bulky folios of Piso on the natural history of Brazil, of Plumier and Sloane on the Islands, and of Hernandez on Mexico, to have appeared, when extremely little was known of the same subjects in the rest of America. Hence also the first important work, which departs from the limits of tropical America, namely, Catesby's History, does but just step out of those limits into the nearest regions of the now United States. Its author, Mark Catesby, an English naturalist of some credit, had spent seven years in Virginia, from 1712 to 1719, chiefly employed in the study of its natural history; and at the expiration of that period returning to England, he was prevailed upon, at the suggestion of his patron, Dr Sherard, and with the assistance of the earl of Macclesfield, sir Hans Sloane, and other philosophers of the time, to undertake another voyage to America, with the express design of collecting, describing, and delineating its most remarkable natural productions. The fruit of his voyage was the Natural History of Carolina. It first appeared in numbers between 1730 and 1748, with splendid colored plates etched by himself from his own drawings and painted under his immediate inspection; a second edition was published in 1754, and a third in 1771, of which both, and especially the last, are much inferior to the original impression. The work contains brief descriptions, in

French and English, of the birds, beasts, fishes, insects, and plants indigenous to the regions comprehended in its plan; and, beside its being more complete than any thing which had gone before it, the elegance of its figures gave it high celebrity at the time of its publication, and still retains for it no little reputation. But two unpardonable faults, both attributable to the age in which it was compiled, detract from the botanical value of Catesby's Natural History. The first defect, to which we allude, is the total absence of a convenient classification; and the second, which is a consequence of the first, is the neglect, both in the drawings and descriptions, to notice the minuter parts of the fructification and inflorescence, which the discoveries of Linnæus have elevated into such indispensable importance in every work on systematic botany. Catesby's Herbarium is now deposited in the British Museum.

The next book relating to our plants is of less pretension than Catesby's History, but of far more value as a scientific work, namely, the Flora Virginica, the joint production of Clayton and Gronovius, assisted by Linnæus himself, who was in Holland at the time it was written. John Clayton emigrated from England to America in the year 1705, and resided here till his death in 1771, filling, for upwards of half a century, the office of clerk of Gloucester county in Virginia. During a long life of eighty-eight years he assiduously cultivated the science of botany, in which he attained high rank through his communications with the learned men of Europe. In addition to these extensive communications which he made, he was engaged in preparing for publication a large botanical work, which at his death he left behind him ready for the press, but which is now unhappily lost, having been consumed, together with the building in which it was deposited, in the early part of the revolutionary war. Among the correspondents of Clayton was John Frederic Gronovius, a distinguished naturalist of Leyden, to whom Clayton was in the habit of sending dried specimens of plants with copious and accurate descriptions. Of these materials Gronovius composed the Flora Virginica, first printed at Leyden in 1739, with a supplement in 1743, and afterwards consolidated into a single volume in 1762 under the superintendance of Laurence, the son of John Gronovius. Clayton's Herbarium, at the decease of the younger Gronovius, was purchased by sir Joseph Banks, in whose possession it was used by Pursh in the

compilation of his Flora. The appearance of the Flora Virginica is to be looked upon as an era in the history of our botany, since it is the oldest accurate systematic work on the subject. The classification of Linnæus, although it had yet made little progress in Europe, was now rapidly rising into notoriety in the north; and the adoption of it in the Flora Virginica, with all its advantages of precision, perspicuity, definiteness and elegance, imparted to this work a value, which it cannot lose until the sexual system ceases to be studied. In 1812 the elder Barton designed and commenced a new edition of the Flora Virginica, which, however, his numerous occupations never permitted him to accomplish.

Here, rather than in any other place, should be noticed the labors of Linnæus in illustrating the botany of this country; but he is so completely an element and an essential portion of the whole science of botany itself, that, although he was in no small degree attentive to our plants, we shall content ourselves with indicating the sources from which he derived his information concerning the botany of the United States. Next to Clayton, whose Flora Virginica was the basis of Linnæus' account of our plants, his most useful correspondent was the celebrated John Bartram, esteemed by Linnæus the best practical botanist of the age in which he lived. Bartram was a native of Pennsylvania, where he resided until his death in 1777, in his seventy-sixth year, attaining, like his contemporary Clayton, a vigorous old age in the diligent cultivation of natural science, the fruits of which he was in the practice of communicating to the learned in Europe, above all to Linnæus.* Another valued friend of Linnæus was the respectable historian of the Five Nations, Cadwallader Colden, who sent his correspondent an enumeration of several hundred American plants in a paper published among the Acta Societatis Upsaliensis. A fourth American correspondent of Linnæus was Dr Adam Kuhn, who went to study under the great reformer of natural science himself at Upsal, and after his return became the first public teacher of botany in our country, being appointed professor of that branch of natural history in what is now the university of Pennsylvania. Finally, by the recommendation of Linnæus, professor Kalm, of Abo, made a

* The sons of Bartram inherited his taste for the study of natural history. One of them, William, is well known by his travels in Carolina, Georgia, and the Floridas.

voyage to America between the years 1748 and 1751, for the purpose of collecting specimens and studying natural history, of which voyage he afterwards published an account in a respectable book of Travels. He procured Linnæus many plants, all of which, marked with the letter K, belong to the Linnæan Herbarium, now in the hands of sir James Edward Smith. By these means, and the correspondence of other naturalists in America, Linnæus became master of nearly a thousand species of our plants, which enter largely into the composition of the Systema Vegetabilium. And the attention excited by the writings of Linnæus, together with the compartive fulness of those writings in botanical collections, may have been the cause of the chasm, that occurs in the history of our botany for more than twenty years after the second edition of Gronovius and Clayton's Flora Virginica. Perhaps also the revolutionary war, which deprived us of the treasure which Clayton had spent his life in compiling, may have impeded the investigations of foreign botanists in this country, until after the time when our independence was acknowledged.

The first fruits of the peace, however, were a native production, namely, an Account of the Vegetables indigenous to this Part of America, published in 1785 in the Memoirs of the American Academy, by the venerable Dr Cutler. Considering the time when this paper was drawn up and the little attention which had then been paid to botany in New England, it was certainly, notwithstanding its want of completeness and accuracy, a meritorious production, from its bringing into notice several valuable plants, whose properties were very imperfectly understood previously to its appearance.*

In 1781 a small German book had been printed at Gœttingen, entitled a Description of some Species of North American Trees and Shrubs; and in 1787 the work was republished in a much improved and enlarged form, with accurate, but coarse

* This remark applies to Cutler's account of the Iris versicolor, Hamamelis Virginica, the genus Rhus, Phytolacca decandra, and more especially Ictodes fœtidus, which, although Catesby had taken it for an Arum, Cutler pronounced to be a new genus, and possessed of great virtue as a remedy for asthmatic complaints. This last vegetable has experienced rather a singular fortune, having been first referred to Arum, then by Linnæus transferred to Dracontium, to Pothos by Michaux, to Symplocarpus by Salisbury, and finally established as the genus Ictodes by Bigelow and Cutler. Dr Cutler is likewise advantageously known by his account of the Lobelia inflata given in evidence at the trial of the notorious Thompson. See Massachusetts Term Reports, vol. vi, p. 134.

engravings, under the name of 'Contribution to German Scientific Forestry, treating the Culture of the North American trees, with application to German forests.' Frederic A. J. von Wangenheim, the author of this rare book, served in America, during the revolutionary war, as captain of a troop in the Hessian cavalry, and was afterwards employed as an upper forester in Prussia. Sprengel says he acquired great credit for his exact knowledge and cultivation of the trees of North America.

A small treatise on our forest trees was also published at Philadelphia in 1785, by Humphrey Marshall, under the title of Arbustum Americanum. Its author was long known as a scientific horticulturist, whose garden is said by Pursh to have contained a valuable collection of trees and shrubs in 1801, but to have declined a few years afterwards on the death of Marshall. The Arbustum Americanum was so much esteemed as to be translated into French, and reprinted at Paris soon after it first appeared; but neither that, nor Wangenheim, nor another German work, on the forest-trees cultivated in a celebrated garden at Harbke in the dutchy of Brunswic, published in 1771, by John Philip Duroi, and sometimes referred to on the subject of our botany, can be supposed to afford much information, which is not contained in the more recent and complete works of the Michaux.

Next after these appeared the Flora Caroliniana. Of its author, Thomas Walter, we have never happened to meet with any notice in print; but in his preface he informs us that all his specimens were collected within an area of two hundred miles in circumference, which, from the date of the preface, would seem to have been on the banks of the river Santee in South Carolina. His work was printed at London in 1788, in Latin, containing the essential characters and specific descriptions of more than a thousand plants, arranged according to the principles of the sexual system. It is valuable as containing a large number of species, and nearly thirty genera, then for the first time described; but as it merely gives the botanical differences, without any allusion to the habit, soil, or other circumstances connected with the plants, it is now superseded by later publications; although few authorities are more frequently quoted or more relied upon than the name of Walter. Pursh says, that he saw Walter's Herbarium in the possession of the family of John Fraser, who introduced so

many of our plants into the English gardens and who was the intimate friend of Walter.

Before leaving the botanical works printed in the eighteenth century, we ought to mention some remarks on the most useful vegetables of the United States, forming a very considerable part of the Travels of Luigi Castiglioni, a gentleman of Milan, who passed nearly three years in this country between 1785 and 1787, and published a reputable account of his observations upon his return to Italy.

We come now to speak of the two Michaux, whose botanical skill and industry entitle them to a distinguished place in our consideration. André Michaux, the elder, of whom there is a biographical account written by Deleuze in the Annals of the Museum, was one of those eminent men, whom the munificence of the kings of France enabled to make researches in foreign countries for the illustration of natural history. Having acquired distinction by his travels in Persia and other parts of Western Asia, Michaux was sent to the United States by Lewis XVI, in 1785 not long before the revolution deprived this monarch of his throne and life, for the purpose of collecting seeds, roots, and specimens of plants. After the dissolution of the monarchy, the republic, which in this instance did not adhere to the love of science she always affected to entertain, neglected to continue his appointments to Michaux; but, with the salary he received before and his patrimonial fortune after the death of the king, he enjoyed sufficient means of pursuing botanical inquiries during the time he remained in this country. In 1801, being returned to Paris, he published his History of the Oaks of America, immediately upon which he embraced an opportunity, which offered itself, for making a voyage to Australasia, leaving to his son the charge of editing his Flora Boreali-Americana. The next year he fell a victim to his zeal for knowledge, dying of a fever whilst engaged in philosophical investigations on the coast of Madagascar. The History of the Oaks of America contains an account of twenty species of the genus Quercus, describing their botanical structure, mode of culture and economical uses, with very complete engravings by P. J. Redouté, so well known to botanists by his sumptuous delineations of the Liliaceous Plants and Roses. This History of our Oaks is the more to be depended on, as Michaux cultivated all the species himself, and observed them carefully in every stage

of their growth. For want of similar opportunities of local observation, Duroi, in his work on the trees at Harbke, fell into many mistakes, describing as distinct species, what were only varieties of the same plants at different ages of its growth. The Flora Boreali-Americana, written wholly in Latin, came before the world in 1803, under the superintendence of the younger Michaux. The work was not prepared for the press by the father, but contains no plant which he did not examine in its native soil, and, in its present form, is extracted from manuscripts left by him, the specific descriptions only being often abridged and generic characters added from Murray. Interspersed in the Flora are fifty-one plates, on a smaller scale than those of the Oaks of America, but designed, like them, by P. J. Redouté, and engraved with great neatness and beauty. Finally, if there is any thing in this elegant publication to regret, it is only that it was posthumous: for had the author fortunately lived to publish it himself, he would, no doubt, have enriched it, as he did his History of the Oaks, with a copious list of synonymes, and with popular remarks on the habit, period of growth, qualities and appearance of the several plants, all which particulars are but slightly touched upon or entirely omitted in the Flora.

André Michaux the younger is celebrated, in the same department of science, for his History of the Forest Trees of North America, than which we believe no country can boast a more highly useful account of any part of its natural productions. It was first published between the years 1810 and 1813, with superb colored figures designed by P. J. Redouté, H. J. Redouté, Bessa, Riché and other respectable artists. Since then it has been translated into English by Mr A. L. Hillhouse,* from

* Mr Hillhouse has published, in a separate form, a Description of the European Olive Tree, originally written for his translation of Michaux, from which we extract the following passage relative to the cultivation of the olive in America, as deserving particular notice since our acquisition of the two Floridas. After adverting to the capriciousness of our climate as an obstacle to the introduction of delicate foreign plants, he proceeds to say: 'But, with all these disadvantages, tracts uniting the conditions necessary for the growth of the olive may probably be found sufficiently extensive for our wants. The possibility of its flourishing on our shores has been demonstrated by at least one experiment. While the Floridas were held by the English, an adventurer of that nation led a colony of Greeks into the eastern province, and founded the settlement of New Smyrna. The principal treasure which they brought from their native clime was the olive. Bartram, who visited this settlement in 1775, describes it as a flourishing town: its prosperity, however, was of momentary

a French copy corrected and newly arranged by the author, the figures in the translation being printed upon plates the same with the original, but now somewhat worn, and therefore not affording copies equally elegant with those of the first impression. Michaux collected the materials for his work in the course of two voyages to America, concerning the first of which he published a volume, which contains some valuable hints spread out over a considerable surface. It is the plan of his History of our Forest-Trees to unite the advantages of a work strictly botanical and of one relating to the useful arts, but especially to collect all the scattered details, which books or experience could furnish him, with respect to the application of the various kinds of wood to the purposes of life. Botanical descriptions can easily be made or found; but, in order to ascertain their useful properties, it was necessary to consult artisans in almost every branch of practical mechanics, to frequent the dock-yards or work-shops, in which wood was employed, and in short to gather information from every attainable source. From these inquiries Michaux has obtained a most extensive collection of curious and important facts, which, although rather belonging to the application of botany than to botany itself, are nevertheless essential to the complete knowledge of the plants of the United States. For, beside the commercial and practical uses of our trees, we have a very perfect account of the inflorescence, fructification, growth and botanical habit of them individually considered, as also many interesting facts with regard to them taken together as composing forests. With respect to the nomenclature of this work

duration: driven to despair by hardship and oppression, and precluded from escape by land, where they were intercepted by the wandering savages, a part of these unhappy exiles conceived the hardy enterprise of flying to the Havanna in an open boat; the rest removed to St Augustine when the Spaniards resumed possession of the country. In 1783, a few decaying huts and several large olives were the only remaining traces of their industry.'

'Louisiana, the Floridas, the islands of Georgia and chosen exposures in the interior of the state, will be the scene of this culture. Perhaps it will be extended to some parts of the Western States: it has been hastily concluded that the olive can exist only in the vicinity of the sea; it has been found in the centre of Spain, and in Mesopotamia at the distance of a hundred leagues from the shore. The trial should be made in every place where its failure is not certain, and for this purpose young grafted trees should be obtained from Europe, and the formation of nurseries from the seed immediately begun.' Description of the European Olive Tree, pp. 39, 40. The Greek colony above alluded to is the same spoken of in the preceding article of this number, p. 97. See also Bartram's Travels, p. 142.

it may be observed, that Michaux has been charged with making needless innovations in long established names, sometimes without any intimation of the change. But the great accuracy of its beautiful figures, at the same time that it serves to correct any misunderstanding that might arise from occasional confusion in the specific names, gives this History of our Forest Trees a permanent value in technical botany.

We have now reached the period, when two American botanists flourished, of whom every person, whether native or foreigner, who has had any connexion with our botany, always speaks in the highest terms of gratitude. We refer to Dr Muhlenberg and Dr Barton. Benjamin Smith Barton, born at Lancaster in 1766, after going through the customary medical education at home and abroad, in 1789, was made professor of natural history, a science for which he had always entertained a marked predilection, in the college of Philadelphia. His appointment was confirmed on the institution of the university of Pennsylvania, where his reputation as a naturalist soon procured his election as professor of the materia medica, and where his medical character afterwards led to his being made professor of the practice of physic, in which station he died in 1815, having continued to perform the duties of a medical instructer with great applause until a few months before his death. He published several botanical works in addition to his tracts on medicine, zoology and the antiquities of America. The most important of these works, in the present connexion, are his Collections for an Essay towards a Materia Medica of the United States and his Elements of Botany. The Collections were published in parts at different periods between 1789 and 1810, but, unfinished as he left them, they are not reputed to have made very important additions to our knowledge of the plants of America. Nothing of any value had yet appeared on our vegetable materia medica excepting a short paper on Canadian Specifics, written in 1756, by a Swede named John von Cœlln, and preserved in the Amœnitates Academicæ, and a small work by John David Schœpf, a physician attached to the German troops in America during the war, published at Erlangen, in the present kingdom of Würtemberg, in 1787, and slightly commended in Sprengel's History of Botany. The Collections, therefore, as inviting the public attention to a subject, which had not been adequately regarded among us, and as leading to the publication of many valu-

able papers on our medical botany, deserve to be mentioned with respect. The Elements of Botany, first published in 1803, and reprinted in 1812 and 1814, contain much ingenious speculation and curious learning intermixed with no little affectation, as, for instance, in the supercilious language with which the author continually alludes to Linnæus. In the light of an elementary treatise the work must yield to many others, to Smith, to Sprengel and to De Candolle. Still it derives a peculiar attraction, in the view of Americans, from the circumstance, that it brings our own plants into notice by frequent reference to them, and by means of its colored figures, which Barton was very solicitous to have faithfully executed. In all the scientific writings of this author, however, a diffuse inelegant style and an immethodical arrangement, into which the hurry of his professional pursuits betrayed him, are too remarkable to pass unnoticed, especially as he published almost nothing but incomplete tracts, whose faultiness their very title of *fragments, collections* and the like sufficiently indicates. We apprehend, therefore, his botanical fame is built most surely on the gratitude of those naturalists, who were aided by his liberality in making the researches, which his public duties withheld him from undertaking in person. Among these, Pursh and Nuttall, who will be mentioned hereafter, were peculiarly indebted to Dr Barton, and their writings afford the amplest illustration of his genuine love of science.

Contemporary with Barton, of the same State and engaged in like scientific pursuits, was Dr Henry Muhlenberg, minister of Lancaster, distinguished as president of the Lutheran church of Pennsylvania, but still better known as the first botanist of his time in America. Although he had long been in habits of intimate correspondence with naturalists of eminence in Europe, by whom he was highly respected for the zeal and acuteness manifested in his communications, the first work, that he personally gave the public, was a Catalogue of the Plants of North America, in 1813. This Catalogue, compiled almost entirely from living plants or dried specimens in the Herbarium of the author, briefly exhibited the scientific and vulgar name, the calyx, the corolla and the time of flowering, with the locality, of a much larger number of plants than were previously known to belong to the United States, but was intended only as a kind of Prodromus of a full Description, which he had already written many years before, of the plants of

Lancaster and of the many undescribed species contained in his rich Herbarium. Muhlenberg died in 1815, at the age of sixty-two, whilst occupied in preparing for the press a second edition of his Catalogue. He had also published an Index to the Plants of Lancaster in the American Philosophical Transactions. Since his death, beside a new impression of the Catalogue, there has appeared his full Description of the Grasses and Reeds of North America, published in 1816, in Latin, under the care of his son, assisted by Mr Elliott, Mr Collins, and the late Dr Baldwin. This work contains very complete descriptions of all the native or naturalized gramineous species, with a short note of their locality and time of flowering, but without any popular remarks. As a scientific account of an obscure family, and of one which even Walter confessed he had neglected, it is valuable to the botanist, in which respect other writers have acknowledged their obligations to Muhlenberg. Whether the rest of this author's manuscripts will ever be published, seems now to be doubtful, although his work on the Plants of Lancaster has been repeatedly announced as soon to be printed by his friend Mr Collins. The cause of the delay is distinctly intimated by Muhlenberg's son in his preface to the Grasses. Muhlenberg always freely communicated to his friends in Europe the most remarkable plants, which he detected, with accurate descriptions of them, so that his reputation and his discoveries were more widely extended through the medium of his correspondents, than they could have been, perhaps, by the publication of his works in America. Besides, he was so perfectly disinterested in his ardor for the promotion of botanical science, that his living plants, his collections and even his manuscripts were always at the service of his friends; and, as no person thought of interesting himself in our botany without becoming acquainted with Muhlenberg, to this it is partly owing, that his most valuable plants are already described in the botanical works now in circulation.—Dr Muhlenberg's Herbarium was purchased after his death by a number of gentlemen, and generously presented to the American Philosophical Society.

In noticing Dr Barton we mentioned him as a patron of Pursh, author of the Flora Americæ Septentrionalis. Frederic Pursh is said to have been born and to have passed the early part of his life near Tobolski, the capital of Siberia. He was educated at Dresden, which city he left in 1799, and

embarked for Baltimore, with the intention of continuing in this country until he should have examined its vegetable productions to the utmost extent of his abilities. Immediately seeking and obtaining the acquaintance of the most eminent botanists, he was enabled, with their assistance, and by acting as a scientific gardener, to travel through different parts of the United States, and to procure so many plants, that, in 1811, he went to England with one of the most perfect collections which ever crossed the Atlantic. In England he was countenanced by Smith, Banks, Lambert, Roscoe and other naturalists, who gave him access to the various rich collections preserved in that country, including the original Herbaria of Linnæus, Plukenet, Catesby, Sherard, Clayton, Walter, Pallas, Bradbury and Menzies. Of these sources of information he gives a grateful, candid, and well written account in the preface to his Flora. After the publication of this work in 1814, he returned to America for the purpose of exploring the botany of Canada, where, as we are told in Silliman's Tour between Hartford and Quebec, he died in the year 1820, not having yet completed his collections towards a Canadian Flora. His Flora Americæ Septentrionalis contains essential characters of the genera and species, either extracted from, or composed after the manner of Willdenow's Species Plantarum. At the end of the specific descriptions is a reference to synonymes and figures in different books, a list of which, with very pardonable vanity, is prefixed to the work. He likewise subjoins to each plant a few popular observations in English, relating its locality, soil, habit, time of flowering and other circumstances of the same nature; but in these observations he has been charged with often speaking at random and without due examination. Of the twenty-four elegant plates contained in the work we do not think all are judiciously chosen, because some plants are figured which are not peculiarly rare, and others omitted more curious in their nature, as well as more uncommon. One very fruitful source of error in Pursh, which grows out of his desire to make his collection more complete, arose from his describing many imperfect plants, or dried specimens only, collected by himself or preceding botanists. Of many of our plants, like the Epilobium alpinum or Arenaria peploides, although very accessible in certain districts east of the Alleghany, he derived his knowledge from Herbaria; and many more, which grow beyond the Mississippi, he ex-

amined only in gardens or in the collections of Lewis and Bradbury, without ever seeing them in their native soil. Hence in these cases Pursh has repeatedly mistaken the genus of a plant, besides admitting many lesser inaccuracies into the specific descriptions. In respect to his arrangement it is to be remarked that he has made a very bold, although as to the conception of it not an original, innovation upon the classification of the sexual system. This innovation consists in the entire omission of Dodecandria and Polyadelphia, and the consolidation of Monœcia, Diœcia and Polygamia into a single class, according to the suggestions of sir James Edward Smith, in his Introduction to Botany. Dodecandria is an incumbrance on the sexual system, because it has no permanent invariable marks by which to distinguish it from the two succeeding classes, into which most of its genera are therefore transferred by Pursh. Polyadelphia, also, a very small and useless class, he has incorporated with Polyandria. But the greatest change hazarded by Pursh is the rejection of the twenty-first, twenty-second and twenty-third classes of Linnæus. These classes, as originally established, containing many genera, like Carex, Typha, Holcus and Panax, which differed only in the situation of their stamens and pistils, whilst all the accessary parts of their flowers were exactly alike, some botanists proposed to simplify the system by abolishing these classes and removing their genera into others in which the combination or number of their stamens entitled them to be ranked. But as the classes in question also contained many genera, like Pinus and Castanea, whose fertile were decidedly unlike their barren flowers, more judicious reformers have preferred retaining such genera in a distinct class, composed of three very natural orders, Segregatæ, including the tricoccus and some other plants, Amentaceæ, and Coniferæ, to which class they have given the name of Diclinia. This modification of the Linnæan arrangement simplifies it exceedingly, at the same time that it confirms the general principles of the sexual system. Whether it will ever obtain the public approbation or not, it certainly comes to us recommended by persons deserving the greatest deference, and is intimately associated with our botany in consequence of its adoption by Pursh. On the whole, this work, with all its imperfections, is more extensive in its nature, more accurate in its details and more systematic in its whole plan and execu-

tion, than any thing, which had gone before it on the same subject; and if Pursh had lived to correct and complete the Flora according to his original design, it would have been surpassed by very few of the botanical collections, which the perfection of modern philosophy has given to the world.

During the latter part of the time Pursh was employed in collecting the materials for his Flora, Mr Nuttall also, another botanist, of whom we spoke as indebted to Dr Barton, was engaged in exploring the botany of several parts of the country, especially those in the upper part of the valley of the Mississippi. Before considering his discoveries, however, the order of time requires us to advert to Mr Elliott's Sketch of the Botany of South Carolina and Georgia,—a work, which, as promising an account of so interesting a division of the country from the hands of the most accomplished botanist in the South, it is much to be regretted that the author's private occupations or civil rank have prevented him from bringing to a conclusion. Only five numbers of it have yet been published, all which appeared in 1817, reaching to the middle of the class Decandria. It gives the essential characters, both in Latin and English, of the genera and species, including several that had not been described in any botanical publication before, all done with the greatest exactness and fidelity; but it is more valuable for exhibiting copious descriptions in English of most of the plants, with which the author was acquainted, within the limits of his plan, and for relating the useful properties of them, in which latter part of his undertaking Mr Elliott gratefully acknowledges the assistance he received from the late Dr Macbride. In most respects it merits to be considered a model among those Floras, which, being confined to a definite portion of the country, are less assuming in their tone than those which embrace a wider range, but perhaps more useful, because the author of a particular Flora, in concentrating his attention upon a certain number of plants, is rendered capable of giving these plants a thorough investigation.

Indispensably necessary to the student of our botany as a supplement to Pursh's Flora is Nuttall's valuable work on the Genera of North American Plants, published in the year 1818. After the remarks we have made on the classes as arranged by Pursh, we need say little concerning that part of the plan pursued by Nuttall, who retains the Linnæan classes

Monœcia and Diœcia, but judiciously imitates Pursh in omitting Dodecandria, Polyadelphia and Polygamia. This work abounds with extensive remarks, the result of long personal observation in different sections of the Union, especially in the Southern and Western States, in which last the author had a most ample field of research and discovery. His principal design was to describe the genera of our plants and merely enumerate the species. But he does much more than he promises, not only introducing a large number of new species detected by himself, but continually enriching his list of the old species with instructive remarks on their habit or character, and often going so far as to give us a full account of all the species of a genus. Among the genera so treated we may notice Viola, Rhexia, Œnothera, Laurus, Lobelia, Polygala, Carduus, Erigeron, Inula, Aster, and Solidago, as particularly rich in interesting botanical suggestions, from which we have repeatedly derived great advantage. But the author has been most elaborate and masterly in his delineation of the essential characters of the genera, which it is the primary object of his work to elucidate. He has proposed above sixty new genera, in several cases constructed by means of plants before imperfectly known, but chiefly by the subdivision of old genera. And we think that here lies the greatest defect of the work, namely, in a disposition to innovate upon the established genera, not always on the safest grounds. Thus in making a new genus Comandra of Thesium umbellatum and a genus Epifagus of Orobanche Virginiana, in separating the genus Juglans into Juglans and Carya, in adopting Desfontaines' dismemberment of the genus Convallaria into Convallaria, Smilacina and Polygonatum, in confirming Michaux and Pursh's division of the genus Pyrola into Pyrola and Chimaphila, in these, and in other instances, that could be pointed out, Nuttall appears to us to have ventured upon or assented to changes, which the generic differences he has indicated do not warrant, and which materially injure the science of botany by embarrassing its nomenclature and impairing the symmetry of its arrangements. Another defect in this work, and in a book of science it is no slight one, is the singular want of accuracy and finish in its literary execution. Thus, to give a specimen of the very many uncorrected typographical mistakes in it, the numbers of the genera from 412 to 734 are wholly erroneous, each number requiring an increase of a hundred to make it correct. Thus

also the genus Hemianthus is inserted, where it would never occur to any one to think of looking for it, in the class Didynamia, instead of being deferred to the appendix. But these defects are atoned for, by the many useful improvements on our botany dispersed through the work, the most important of which is a careful investigation of the habit, natural affinities and geographical distribution of the genera. Especially in stating the mode of vegetation of a generic groupe, in imitation of Jussieu, our author has done a very essential service to the science and rendered the study of our plants much more interesting than it ever can be when pursued exclusively in dry technical forms invented by Linnæus. Indeed nothing more clearly demonstrates the unsatisfactory nature of the sexual system than the indirect attempts frequently made by recent botanists to engraft the natural affinities of plants upon their prevailing artificial characteristics. All that the sexual system can pretend to is a superiority over others, excepting perhaps that of Rivinus, for the purposes of a pinax or botanical index: how much it surpasses the system of affinities in this respect will appear evident, to give a familiar example, to a person who has ever made use of a dictionary, like Scapula's Lexicon, in which the words are arranged according to their roots, instead of the letters of the alphabet. If a system could be devised uniting the conveniences of the system of Linnæus and the natural propriety of Jussieu's, it would undoubtedly be the most desirable improvement of which the science of botany is now susceptible. For this reason we consider Nuttall's abridged view of the natural affinities of each genus one of the greatest advantages, which his book possesses, in comparison with any similar compilation.

Soon after the publication of Nuttall's Genera appeared Eaton's Manual of Botany for the Northern and Middle States, which, a limited edition of it having been printed before, was now reprinted with considerable improvements. The design of the work, as its title announces, is to serve as an index only to the vegetable productions of a definite portion of the Union, in imitation of Persoon's Enchiridium Botanicum, from which its name and much of its substance are copied. In one respect, however, its plan differs materially from Persoon's, and in a way that greatly enhances its relative utility as a pocket-companion for the botanist. We refer to the circumstance of its being divided into two parts, in the first of which are the char-

acters of the genera alone, systematically arranged, in the second the names of the genera followed by the specific descriptions at length. The work, moreover, is wholly popular in its arrangements, design, and nomenclature, embracing not only indigenous vegetables, but even all those exotics which are cultivated in the interior parts of the country. Taking Persoon as the basis of his descriptions of phænogamous plants, both in the genera and species, the author has corrected and enlarged them, either from personal examination, or by reference to Pursh,—adding also twenty or thirty new species chiefly communicated by Dr Bigelow and Dr Torrey. We discern a defect of judgment in the execution of the literary parts of the Manual, of the same nature with that which we hinted at in speaking of Nuttall's Genera,—a defect in the distribution of notes and advertisements, in the structure of the language where the author writes in his own person, not as a botanist; and it is rarely that we see a dedication in worse taste than that which is prefixed to the Manual. It is impossible not to be struck with the inferior purity displayed in the composition of Nuttall and Eaton, when compared with that of Pursh, to whom the English language was not vernacular. As a convenient and accurate guide in botanical inquiries, however, compressing a great variety of matter into a narrow compass, the Manual is deserving of great praise. And it should be mentioned, as an additional recommendation of it, that, whilst Pursh and Nuttall have omitted all cryptogamous plants excepting the ferns, Eaton, on the contrary, has given quite a full account of the cryptogamous species, which he and his friends had observed, amounting to four hundred and twenty more than Michaux describes in the Flora Boreali-Americana.

It only remains for us to speak of two contemporary botanists, whose writings have recently occupied much of the public attention, namely, Dr William P. C. Barton and Dr Bigelow. Dr Barton, a nephew of the eminent philosopher of the same name, has published books on the subject of our botany of greater pretension than almost any other living author. Beside some tracts connected with medical science, in 1815 he printed a Prodromus of his intended Flora Philadelphica; in 1817 he began the publication of his Vegetable Materia Medica of the United States, previous to the completion of which in 1819, he gave the public, in 1818, his Compendium Floræ Philadelphicæ; and he is now issuing an expensive

Flora of North America. The Compendium, containing only brief descriptions of plants, with occasional popular observations, as it is the most unassuming, so we think it the most meritorious, among the botanical works of Dr Barton. It is the more valuable for being largely indebted to Nuttall's Genera. Barton's Vegetable Materia Medica gives an account of forty-eight plants with colored figures, including first the botanical characters of the genus and species adopted from the best authors, with a note of synonymes and copious references to writers who treat of the plant, next a general botanical history of it executed in a cursory manner, and lastly its chemical analysis, medicinal properties, and economical uses. The work manifests considerable industry in the compilation of facts and statements from various books; but the misfortune is, that, in the parts relating to medicine, it is almost entirely a compilation. Dr Barton appears rarely to have performed any experiments upon the chemical organization of the plants he describes, and seldom to have ascertained their reputed effects on the human system by personal investigation: so that in his remarks on the medicinal properties of plants he more frequently allows us to perceive what he does not, than what he does, know. The figures were drawn and partly colored by the author, many of them very correctly and elegantly, but many others so badly as to indicate great haste both in the coloring and the designs. Dr Barton has long proposed, as we have already hinted, to publish a complete Flora Philadelphica, from which the more early numbers of the Vegetable Materia Medica contain several extracts in the form of a Latin *descriptio uberior* of each plant; but we rejoice, for the honor of American literature, that this work has not appeared; for never, in the whole course of our reading, do we remember to have met with any thing which denoted such lamentable ignorance of the most common rules of grammatical inflection and concord, as almost every line in these descriptions exhibits.* Indeed, a looseness, a want of exactness and fidelity,

* We have made use of such strong terms on this subject that we will subjoin a few of Dr Barton's numberless errors, merely to prove that we have not spoken without due consideration. Vegetable Mat. Med. v. i, p. 82, *des uber.* for *succo fulvo exudans* read *succum fulvum*; for *petala . . . perquam varians* read *variantia.*—Ibid. p. 60, for *baccæ . . . semina tria complectens* read *complectentes.*—Ibid. p. 66, for *foliola . . . subæquales* read *sub-æqualia.*—Ibid. p. 79, for *arbor . . . rariter ultra* 30 *pedales* read 30-*pedalis*. This error is frequently repeated, the adjective *pedalis* and its

prevails in all the botanical writings of Dr Barton we have seen, which we sincerely hope he will take care to avoid in the important work he is now engaged in executing on the Plants of the United States.

Of Dr Bigelow's Florula Bostoniensis, although published in the year 1814, we have intentionally deferred speaking until now, because we wish to consider it in conjunction with the work at the head of this article on American Medical Botany. On looking back upon the sketch we have given, it will be seen that the Southern and Middle States have not only been more frequented by foreigners in quest of plants, but have also produced more native botanists, than New England. To the names of Bartram, Clayton, Colden and Kuhn we have none to oppose; the earliest on the list of our botanists is Dr Cutler; and if we pass over Williams, the historian of Vermont, the next are our own contemporaries, Prof. Peck, Dr Bigelow and Mr Eaton. If there had been any reason to reproach us with the neglect of the study of botany, we know not better how to show that this reproach has ceased to be well founded, than by pointing to the publications of Dr Bigelow. His edition of Smith's Introduction to Botany prepared the public to receive with favor the Florula Bostoniensis, which came out a few months after the Introduction; and both together were

compounds being always mistaken for substantives—Ibidem, for *flores magnes . . . maximi odori* read *magni* (not *magnæ*, as judiciously corrected by the author in his errata) . . . *odoris*.—Ibidem, p. 125, *a root consisting of radicles* is latinized into *radix sistens radicularum*, and by the same kind of rendering we have *antheræ duarum loculorum sistens*, which is a perfect miracle of bad grammar.—Ibidem, for *segmentibus* read *segminibus*.—Ibid. p. 173, for *fructus ex calyce facta . . . coccinea, esculenta*, &c. read *factus, coccineus* &c.—Ibid. p. 205, for *nervibus* read *nervis*.—Ibid. p. 222, for *Ament. mas. laterales, erecti*, &c. read *lateralia* &c.—But the *ne plus ultra* of bad Latin is the description of Liriodendron tulipifera, p. 93, where, among other phrases no less extraordinary, occur the following; *Arbor non-nunquam altitudine* 100 *pedales, et in circulo* 30.—*folia . . . in lobis . . . dissecta.—flores numerosissimæ, magnæ, formosæ, sed odori omnino destitutæ—calyx . . . sistens involucri proprii—staminæ numerosæ, longæ, filamentis linearis, corolla brevibus* (for *stamina, numerosa, longa, linearibus* and *brevioribus*) *—pistilla . . . quasi strobili dispositis—stigma globosa—seminis numerosis in squama . . . terminatis et omnis in conum imbricatis.* This is nothing but a spicilegium, a sort of choice of evils, culled from the many other barbarisms and solecisms of the same stamp in this work. In the second volume, however, Dr Barton very considerately abstains from venturing upon the *descriptio uberior*, excepting in one or two instances, in which he acquits himself no better than before, as on p. 223, vol. ii, where we have *pedunculi pubescenti uniflori* instead of *pedunculi pubescentes uniflores*.

precisely of that popular description, which was best adapted to introduce botanical studies into the eastern metropolis. The Florula Bostoniensis, containing accurate translations of the specific and generic characters which are given us by the most reputable botanists, together with an extended account of the plants taken from living specimens, and indications of their localities, time of flowering and duration, was admirably calculated to overcome the repugnance, which could not but have existed at the time it appeared, against the general study of a science (as to us) for the most part locked up in the rare works and semi-barbarous dialect of Linnæus, Gronovius, Walter, Michaux and Willdenow. And, although the Florula is less complete than might be desired, we can say, after much use of it, that we know of no botanical book defaced by fewer errors: —which errors will undoubtedly be corrected, at the same time that the deficiencies of the work are supplied, in the new edition of it, which the public has long demanded. If any thing in the *plan* of the Florula is defective, is seems to us to be the omission of the common exotics, such as maize, wheat, roses, lilacs, cherries, and the rest of those cultivated exotics, which, either as ornamental or useful vegetables, occur to the young botanist as frequently as any of our indigenous plants, and of course equally tend to excite his curiosity. The insertion of these, whether in the body of the work or in an appendix, would certainly much enhance its usefulness. Among his other scientific labors, Dr Bigelow has since published several tracts connected with botany, to which we merely allude, that we may come the sooner to his American Medical Botany. The contents of this work are a detailed account of sixty of those indigenous or naturalized plants, which are best capable of application to medical use, or seem otherwise remarkable on account of their ascertained or reputed effects upon the human body. It not having been our intention to enter into an examination of any thing more than the botanical part of the work, we shall only observe, as to the rest, that neither Schœpf nor the Bartons materially increased the sum of our information concerning the chemical or medicinal properties of the vegetables of the United States. Schœpf pretends to do nothing more than record, with the most implicit credulity, whatever, to translate his own words, he could learn 'from physicians, empirics, peasants and old women;' the natural consequence of which is, that his book is full of stale drugs of

exploded virtue, almost every one of which he represents as a panacea. The Bartons present us with very few, and those but partial investigations of the chemical constitution of plants, and still fewer satisfactory proofs of their practical utility. Dr Bigelow, on the contrary, has made careful experiments on the analytical structure of the plants, which he selected for examination: many vegetables of supposed efficacy he has proved to be feeble and inert; others, before of doubtful utility, he has established among the happiest agents in the materia medica; and none has he left without making some perceptible addition to the stock of science. Passing from these considerations, we find that he has not only described the botanical properties of his plants with great accuracy, which is more than can be said of his predecessors, but has also done it with perspicuity and elegance of expression. Every article abounds with important botanical observations; often, too, the character of a plant leads to instructive remarks connected with it, like those upon generic distinctions in Gillenia trifoliata, upon the communication of plants between Europe and America in Ranunculus bulbosus, upon the scenery of our forests in Rhododendron maximum,—all of which are the more grateful for being unostentatiously introduced. Eight of the plants in the Medical Botany are also described and figured in the younger Michaux, namely, Laurus Sassafras, Magnolia glauca, Cornus florida, Juglans cinerea, Kalmia latifolia, Liriodendron tulipifera, Rhododendron maximum and Juniperus Virginiana; but a comparison of the respective articles in each book will render it obvious that Dr Bigelow is not a copyist; for, in these very articles, the Medical Botany abounds with interesting facts, which it did not enter into the design of Michaux to notice, if they ever came to his knowledge. The same comparison, we think, will end in a conviction of the greater accuracy of the figures in the Medical Botany, inferior as they certainly are to those of Michaux in brilliancy of coloring, and in that graceful, lively, finished representation of verdant nature, which evinces the perfection of modern art in Europe. Thus, if we compare the Liriodendron tulipifera in each, we perceive a more vivid green in the print of Michaux than we do in that of Bigelow: but the latter is drawn from the best chosen specimen of the two; and the flower in Michaux is spread open so far as to conceal the calyx and give an artificial appearance to the petals and stamens,

both which defects are avoided in the plant, as delineated in the Medical Botany. Bigelow's work comprises most of the plants figured in Barton's Materia Medica, and also many beside; and although the prints of the latter derive a superior freshness from the circumstance that their colors were put on by the hand, whilst the former came colored from the plates, still the greater finish and fidelity of the figures in the Medical Botany entitle them to higher regard than those of the Vegetable Materia Medica. Whether we regard Dr Bigelow's work as a specimen of art, or as a scientific exposition of facts, we think it may be safely put into the hands of foreigners, together with Cleaveland's Mineralogy, in proof that we no longer mean to learn from them how to prize the riches contained in our forests and on our mountains. It gives us full reason to regret that the work, which he and Mr F. Boott had announced their intention to publish on the plants of New England, is likely to be delayed in consequence of the absence of the last gentleman from America.

We have now brought down the literary history of our botany to the present day. Of the Hortus Kewensis, the Botanical Magazine, Lamarck's portion of the Encyclopédie Méthodique, and similar extensive collections of plants, we need say nothing, because they are the common property of the botanical world. We will only observe, that, in his more recent communications to Rees' Cyclopædia, sir James Edward Smith seems to have paid very marked attention to our botany, and to discover a proper respect for our botanists, as may be gathered from the manner in which he alludes to Mr Nuttall and Dr Bigelow in several passages; from what he says of Mr F. Boott in the articles Viola pubescens and Utricularia cornuta, and of Dr Muhlenberg in describing the grass dedicated to that eminent naturalist by Schreber. We have omitted to make any particular mention of Forster's Catalogue of the Plants of North America,* Hosack's Hortus Elginensis, Rich's Synopsis of the Genera of North American Plants, Torrey's Catalogue of the Plants of New York,†

* This Catalogue we have seen in several forms; but it most commonly occurs in the appendix to Forster's translation of Bossu's Travels in Louisiana.

† We cannot refrain from forsaking our plan so far as to express our respect for Dr Torrey, whose name we have more than once had occasion to introduce into this article, as a zealous and successful botanist. The Catalogue referred to in the text, prepared for the Lyceum by Dr Torrey, Dr

Peck's Catalogue of the Plants in the Botanic Garden at Cambridge, and some other books of the same description ; as likewise of the elementary works of Eaton, Eberle, Lock, and Sumner : because these, although for the most part useful and convenient, as applied to their intended purpose of facilitating the study of our botany, cannot, of course, be supposed to have made any material additions to the stock of botanical science in the United States. Nor were the preceding notices, as we intimated in the beginning with regard to the work at the head of this article, written with a view that any of the books mentioned should be considered in the light of novelties, since the public opinion has fully appreciated their individual merits long before this time ; and indeed it is more especially from the public opinion that we have always been happy, where we could, to confirm our own sentiments. But we felt desirous to bring together into one view the printed botanical resources of our country ; and having done this, we now proceed to inquire into the completeness of these resources.

In order to ascertain the number of plants hitherto described by botanists as growing spontaneously in the United States, we have been at some pains in counting the latest catalogue of them, which is contained in Nuttall's Genera. We found this catalogue to comprise thirty-two hundred and thirty phænogamous species. If to these we add the plants detected by Mr Boott on the White Hills, and the species communicated to Mr Eaton for his Manual by Dr Torrey, together with the few other species since found by Mr Le Conte, Mr Eddy, Mr Ives, Mr Rafinesque, and other botanists, we apprehend the number of our plants, as yet described, will hardly be made to exceed thirty-three hundred, exclusive of the cryptogamous species. Even this number, limited as it is, has but recently been known to grow in our country. In 1803, when Michaux published his father's Flora, not half so many had been discovered ; and since 1814 the number has received an accession of four hundred vegetables, for Pursh's Flora contains but twenty-eight hundred and ninety-one phænogamous species, as we learn from Humboldt's Prolegomena on the Geographical Distribution of Plants. The figures 4, 8 and 9 respectively will very nearly express the relative number of

Eddy, and Dr Knevels, is drawn up with great skill, and with a fulness much above the ordinary scope of botanical catalogues. We therefore await, with great expectation, Dr Torrey's promised Flora of New York.

phænogamous species enumerated by Michaux, Pursh, and Nuttall. Now if we consider that Europe, embracing perhaps a less extent of territory than the United States, and certainly not affording greater diversities of climate, is known to contain at least seven thousand phænogamous species of plants proper to itself,* we cannot avoid being led to the conclusion that the enumeration of our plants is still exceedingly incomplete.

Nor could we justly anticipate any thing else from an examination of the facts. So long as the greater part of our continent remains an untrodden wilderness, and the rest is but just recovering from the state in which it left the hands of nature, it is useless to think of writing or publishing a perfect North American Flora. Men of science are as yet only scattered here and there by the sea-coast and on the banks of our great rivers: they have neither opportunity nor leisure to explore their immediate neighborhood; much less have they been able to traverse the vast extent of our western and northern hemisphere. They have made little excursions into the borders of their residence, but they have not discovered a thousandth part of the natural riches, which abound in careless profusion throughout the country, and which must waste their sweetness in the desert for generations yet to come. We shall be confirmed in this opinion of the great incompleteness of all existing collections, if we advert to the localities indicated in those collections. We find they say little of Florida, little of the regions bordering on the Lakes, little even of some of the

* In 1817, it was calculated that there had been described or preserved in herbals 44000 plants, of which 6000 were cryptogamous, and 38000 phænogamous species. Of the latter the following was supposed to be the distribution, namely:

Europe	7000
The temperate regions of Asia	1500
The tropical regions of Asia and the adjacent islands	4500
Africa	3000
The temperate regions of America in both hemispheres	4000
The tropical regions of America	13000
New Holland and the islands of the Pacific ocean	5000
	38000

See Humboldt, de Distributione geographica Plantarum secundum Cœli Temperiem et Altitudinem Montium Prolegomena, p. 23. Decandolle thinks, if all the plants on the globe were known, they would be found to exceed a hundred thousand species. Théorie élementaire de la Botanique, ed. 2de, p. 25.

maritime States, as Maine and New Hampshire. And how much do we know of the rich and verdant tract spread out in the immense valley of the Mississippi and his tributary waters, of the boundless savannas in the West, of the widely-extended regions beyond, that are washed by the Pacific Ocean? All these comprehensive sections of our territory, for some of which the world can show no parallel for mildness of climate, extent of irrigation, and inexhaustible fertility of soil, are as yet but superficially known to the botanist.

How rich the tracts of country west of the Mississippi are in undescribed plants may be satisfactorily seen, from a circumstance attending the expedition of Lewis and Clarke across the continent of North America. In the course of the slow ascent of the expedition towards the head-waters of the Missouri, an extensive collection of plants was made, which, being desposited at the foot of the Rocky Mountains, was unfortunately never recovered. During the rapid return of the expedition, after recrossing the mountains, a second, but smaller, collection was made by Mr Lewis, consisting of about one hundred and fifty specimens, among which were not above a dozen plants before ascertained to be natives of this continent, the rest being altogether new or but little known, and containing six or seven distinct undescribed genera. Many of them also were highly remarkable, not only as new plants, but as possessed of useful or curious properties. Such were the Psoralea esculenta, whose root is an ordinary article of food among the savages; the Mahonia Aquifolium, bearing esculent berries; the Maclura aurantiaca, whose ornamental foliage and fruit and heavy solid wood render it of great value; the Bartonia ornata, with its brilliant odorous flowers resembling the larger Cacti and making it worthy of the distinguished antiquary and naturalist whom its name is intended to commemorate. The fact, therefore, that so large a proportion of the plants brought back by Lewis and Clarke were new to botanists, fully proved the botanical richness of a region, where indeed Mr Nuttall and Mr Bradbury have since made so many interesting discoveries, and which still remains open to reward the zeal of future naturalists.

Nor do we believe that any considerable portion of the regions on this side of the Alleghany has been thoroughly investigated. Let us examine the botanical catalogues, that have been made, of the neighborhood of our larger maritime

cities,—spots, which, from the narrowness of their extent, and from the multitude of botanists by whom they are likely to be inspected, we may suppose to have undergone a more perfect scrutiny than any of the wild recesses in the West. Do we find that either of these collections has exhausted the botany even of the confined district which its plan comprehends? So far is this from being the fact, that every day is exposing the deficiencies of our most valuable Floras. Our readers will not doubt, from what we have said in another part of this article, that we entertain a high opinion of the Florula Bostoniensis. This work embraces a narrow circuit of less than two hundred square miles in area, its localities seldom departing from Milton, Dorchester, Roxbury, Brookline, Brighton, Watertown, Cambridge, Medford, Charlestown and Chelsea, all included in the half of a small circle of which Boston is the centre, as may be perceived by casting the eye upon Hales' Map; and we have good reason to believe that, open to examination as this tract is in all its parts, the five hundred species described in the Florula do not exceed three quarters of the species growing spontaneously in the vicinity of Boston. Now if we recollect that the vicinity of Boston exhibits no extraordinary varieties of soil or structure, that it is shaded by few and those insignificant forests, that it presents hardly one of those rich watered glens, which, in many parts of New England, are perpetually verdant with a diversified succession of luxuriant vegetables, that it is not large enough to contain those mountainous ridges which enjoy such a peculiar vegetation,—if we recollect all these circumstances, and at the same consider how many plants in this district were overlooked by the practised eye of so discerning a botanist as Dr Bigelow, what shall we say of all those other more extensive districts in the Atlantic States, in which the foot of a botanist treads only by chance and at protracted intervals?

We do not mean to infer from this, that every space of two hundred miles in extent from Maine to Georgia would afford a century or two of species omitted in all existing collections of our plants, because the vegetation of most of the Middle and Eastern States is so uniform, that a botanist, who has examined all the plants growing near Albany or New York, for example, has probably seen most, but certainly not all, of those which could be found about Boston, and the reverse; and thus a naturalist, who elucidates the botany of any con-

siderable portion of a single State, as Connecticut, does much towards elucidating that of the whole of New England. But surely we shall be justified in concluding from it, that the botany even of the best inhabited parts of the country is still but imperfectly known. And only adverting to the single fact, that the Florula Bostoniensis contains two new species, and supposing that in the average every hundred miles in the two and a half millions comprehended by the United States is capable of furnishing a non-descript species,—in which supposition we really can see nothing unreasonable,—and we shall still have an immense field of investigation remaining for botanists in the United States.

Beside these general views of the subject there are distinct considerations belonging to some of the natural orders and also to certain groupes of plants apart from the natural orders, of which we will only mention a few examples. From the exact calculations of a botanist, whom the Baron de Humboldt employed for that service,* it appears that the Gramineæ alone form a tenth part of our phænogamous vegetables, and the Gramineæ with the two proximate families of Cyperoideæ and Junceæ one eighth part of the same; and although, as we have remarked before, these families were till recently much neglected among us, yet Muhlenberg's Description of the Grasses in a great measure atones for and remedies this neglect; but the numerous Gramineæ and Cyperoideæ are so intricate in their characters, that we can hardly suppose they are even now so fully elucidated as the more attractive and ostentatious families. Another extensive order is formed of the Compositæ, which amount to one sixth part of our phænogamous plants, and at some seasons of the year almost cover our fields with their luxuriant flowers. Next to the Gramineæ, this family is perhaps the most difficult in its lower subdivisions, in a few of the generic differences and in very many of the specific. The kindred genera of Erigeron, Inula, Aster and Solidago contain each so many species, and these so much alike

* The natural orders of our phænogamous plants are stated by Humboldt to be as follows, namely: Cyperoideæ one 40th, Gramineæ one 10th, Junceæ one 152d, Labiatæ one 40th, Rhinantheæ and Scrophulariæ one 36th, Ericeæ and Rhododendra one 36th, Compositæ one 6th, Umbelliferæ one 57th, Cruciferæ one 62d, Malvaceæ one 125th, Caryophylleæ one 72d, Leguminosæ one 19th, Amentaceæ one 25th, and Coniferæ one 105th, supposing the whole number taken for the integer to be 2891 as collected in Pursh's Flora.

in their exterior qualities, that modern botanists have been obliged not only to draw out their specific characters to a most burdensome length, but likewise in several cases to resort to the microscope for the detection of well-founded differences for the species. Not to extend these details too far, we will only refer to one more natural assemblage of phænogamous plants, the Amentaceæ and Coniferæ, which include a large proportion of our forest-trees. Of all our vegetable productions these are unquestionably the pride and glory; for none of the forests in other temperate regions of the globe rival ours in variety, magnitude, or splendor. No part of Europe, for instance, in latitudes of corresponding temperature, can exhibit trees of so rich a foliage and inflorescence as the Magnolias, or of such stateliness as the Pinus strobus, sometimes rising to the height of upwards of two hundred feet, with a straight and graceful trunk more than twenty feet in circumference at the base, the Liriodendron tulipifera with a trunk still more beautiful than the pines, the Pavia lutea, Pavia Ohioensis or Rhododendron maximum. Again, the younger Michaux mentions, as a striking fact, that he had observed in the United States a hundred and thirty seven trees, which rise above the height of thirty feet, whereof ninety-five are employed in the arts; but that France, on the contrary, which might be considered a pretty fair representation of the same range of temperature, produced no more than thirty-seven trees of equal height, including but eighteen forest-trees, and that of these only *seven* were employed in civil or marine architecture. Without stopping to draw the political inferences, which this comparison would suggest, we will merely say that Michaux, in his History of our Forest Trees was so far from exhausting the subject, that he did not even pretend to have crossed the Mississippi, that he confessedly left the history of the trees even on this side the mountains incomplete, and that several very important additions have already been made to the forest-trees which he was able to enumerate.

All that precedes will apply only to the phænogamous species: for we shall find our agamous plants to have been generally neglected by naturalists. Clayton sent Gronovius an account of only ninety-five species of this extensive class, Michaux falls short of the same number, and, as we have already observed, no part of them excepting the ferns engaged

the attention of Pursh or Nuttall. Yet so multitudinous are the plants of this family, that Muhlenberg, in his Catalogue, makes mention of more than eight hundred species, and about one seventh of all the genera there enumerated are of the class Cryptogamia. And what sets the deficiency of our botanical publications on this head in a clearer light is the fact affirmed by Dr Schweiniz, that he himself had observed nearly one thousand six hundred species of the single order of Fungi in the western part of North Carolina. Eaton gives us very complete descriptions of a hundred cryptogamous genera and a cursory account of four hundred and seventy-six species; which is very much more than any preceding botanist has done: but Eaton and Nuttall both refer us on this head to Muhlenberg's long-promised Flora Lancastriensis. How far the labors of Dr Muhlenberg and Mr Collins, who are understood to have been particularly sedulous concerning the cryptogamous families, might go towards supplying the deficient information on this subject, we cannot tell. These plants, however, which it almost baffled the ingenuity of Linnæus himself to arrange, abundant as they are in this country, can at present be studied with no better assistance than a few restricted publications afford, so that upon no class of our vegetable productions is it more desirable that experienced botanists should bestow their industry. But our knowledge of this class will not long remain so imperfect, if Dr Schweiniz meets with encouragement to publish his intended Description of the Cryptogamous Plants of North America; of which he has recently printed a specimen, containing the hepatic mosses, executed after the manner of Pursh's Flora.

In addition to these and other general or particular defects in the botanical collections relating to the United States, another very important object of inquiry is the difference and affinity between our plants and those of Europe. No doubt there are many vegetables, which were always common to the two continents, such as Epilobium alpinum, Azalea Lapponica, Diapensia Lapponica, Carex curta, Betula nana, Linnæa borealis, Draba nivalis, Lobelia Dortmanna, Humulus Lupulus, Anemone nemorosa, several of the Veronicæ, Arenariæ and Ranunculi; and many likewise which are known to have emigrated with the colonists, Leontodon Taraxacum, for instance, Sonchus oleraceus, Arctium Lappa, Conium maculatum, Hyoscyamus niger, Chelidonium majus, Symphytum officinale, Triti-

cum repens, Raphanus Raphanistrum, Cnicus arvensis, Malva rotundifolia, Ornithogalum umbellatum and Polygonum aviculare ;* and some which we have imparted to Europe, as Rumex sanguineus, Erigeron Canadense, Phytolacca decandra, several Ambroseæ and Amaranthi; but the number of plants *originally* common to the eastern and western continents is much smaller than has been generally imagined, if it be true, which has been affirmed on good authority, that Pursh's Flora contains only three hundred eighty-five plants properly European, that is, no more than $\frac{2}{15}$ of the phænogamous vegetables then ascertained to spring up spontaneously in the United States. Even this small number is continually diminishing; for although certain plants, beyond a question, are actually common to the two continents, especially some of the boreal and alpine plants, yet late botanists have made new species of many of the plants which were formerly accounted European. Thus the plants, which were long supposed to be Viola canina, Trientalis Europæa, Valisneria spiralis, Erythronium dens canis, Alisma Plantago, Cratægus oxyacantha, Sorbus aucuparia and Cypripedium Calceolus, and of course European, are considered as distinct by Pursh and others under the names of Viola debilis, Valisneria Americana, Erythronium Americanum, Alisma trivialis, Cratægus apiifolia, Sorbus microphylla and Cypripedium parviflorium. Nor is this all the difficulty. Not unfrequently an American plant occurs, which, in its exterior botanical aspect, is incapable of being distinguished from the European, but yet is known to be essentially different in its chemical or physiological properties. Dr Bigelow adduces two or three remarkable instances of this fact, in his interesting, and, so far as we could judge in examining much of the same scenery with his work in our hands, very complete and accurate Description of the White Mountains. A species of

* Humboldt, in the work referred to above, seems to think that Polygonum aviculare was always common; but Josselyn, in his Rarities of New England, recounts it among the emigrants. It may be mentioned here, that the remarks in the text are confined to Europe. Pallas's Herbarium and Flora Rossica evince that the plants of North Asia have great affinity with our own; and the eastern shores of Asia between the parallels of thirty and forty five are said to contain many plants also found on the eastern shore of North America. Asiatic Tartary appears generally to resemble the primitive state of North America in climate, vegetable productions, aboriginal inhabitants and dialects so much more than any other region of the world, that a judicious investigation of the subject is a great desideratum in our historical antiquities.

Æthusa growing about Boston, although botanically the same with Æthusa cynapium, is altogether destitute of the nauseous alliaceous taste by which that plant is noted in Europe. Another instance, adduced in Bigelow's Medical Botany, is of Asarum Canadense, which, although widely different in effect upon the human body, the elder Michaux says can with difficulty be distinguished from a European species of Asarum. A still more striking case is that of the chestnut-tree. Michaux the son thought the American chestnut distinct from the Castanea vesca, relying for his distinctions chiefly on the size and shape of the fruit; but Pursh and Nuttall deny that there is any thing in our chestnut sufficiently marked to become the ground of a specific description. Yet the wood of our chestnut is porous, weak and brittle, while in Europe that tree is in the highest estimation for compactness, tenacity and strength. In Italy the chestnut is employed in making staves for wine and brandy-casks, but the staves fabricated from it here have not been found close-grained enough for the same purpose. Throughout France and the rest of South Europe, the hoops of casks and vats of all dimensions are generally made of young chestnut, which experience testifies to be as flexible, tough and elastic as the occasion requires, and moreover peculiarly eligible on account of its durability: whereas coopers in this country uniformly assured Michaux that our chestnut was too brittle to be used in hooping. In both continents, however, the chestnut is equally valued for its capacity of withstanding exposure to the vicissitudes of heat and cold, of moisture and dryness, for which reason it is preferred in several of the Middle States in the construction of rails and posts for enclosures.* These examples, which might be multiplied, will suffice to show the nature of the fact, and to manifest the ne-

* The trunk of the chestnut in Europe exceeds that of all other trees in thickness. One of these vegetable monsters growing on the sides of mount Ætna is asserted by Michaux to be a hundred and sixty feet in circumference, or fifty three feet in diameter, entirely hollow and subsisting only by means of the bark and a few adjacent layers of wood. Near this chestnut are several others, seventy-five feet in circumference. Not far from Sancerre in France is a chestnut thirty feet in circumference, with a perfectly sound trunk, which is supposed to be a thousand years old, and which for six hundred years has gone by the name of *le Gros Châtaigner*. No chestnuts of such enormous size have yet been noticed in the United States; but the chestnuts, which grow on the mountains of North Carolina, are as large as the generality of chesnuts in Europe. Michaux, Histoire des Arbres Forestiers de l'Amerique Septentrionale, tom. ii, p. 157.

cessity there is for a careful examination of the differences between allied plants in Europe and America.

That these and all other deficiences in our botanical collections will be made up by those who are most directly interested in seeing it accomplished, by native Americans, we certainly have at this time equal reason to hope and believe. The prevalence of the study of botany, either as a source of elegant recreation, or as a means of enlarging the boundaries of human knowledge and multiplying the comforts of human life, is much increased in our country since that period, when the few botanists, who belonged to it, looked to nothing higher than the ministering to the curiosity of two or three men of letters in Europe. And although we are not of opinion that botany has any peculiar tendency to instill exalted notions of moral obligation like ethics, or sharpen the acuteness of our intellectual powers like abstract reasoning, yet we think it authorized to assume a very respectable rank among the sciences of secondary importance : for, even encumbered as it now is with artificial forms, if the study of it be pursued, where alone it ought to be pursued, among the wild scenes of our meadows, rocks and forests, it cannot fail to improve the mind and heart by leading the imagination to dwell upon those noble exhibitions of the power of providence in exterior nature, the majesty of which is only surpassed by their beauty.

ART. VI.—*Symzonia, a Voyage of Discovery, by Captain Adam Seaborn.* New York, 1820. 12mo, pp. 248.

NOTHING furnishes a stronger illustration of the superficial taste of men, than the almost exclusive attention they have paid to the external surface of the globe. The same willingness to be blinded by the outside appearance, which obtains in the details of manners and character, has exerted a much more pernicious effect on the general regard men have bestowed upon the earth they inhabit. One is fatigued with the mass of travels to explore its unknown regions, of voyages to discover its distant seas. Not an arrogant mountain, that towers upward, but has been measured ; nor an indenture on the rind, by the name of an ocean, a mine, or a valley, but has been fathomed, descended, and traversed till one is weary of

this superficial pains-taking. All the while, the honest solid interior, the root and heart and kernel, the marrow and pith, the sacred penetralia of our globe have remained worse than unexplored.

We say, 'worse than unexplored,' because if men had confined themselves to a total neglect of these regions, much as we should have derided their folly, for travelling round and round so fair an abode without venturing bravely into it, we could have accused them of nothing worse than insensibility. It is a matter, however, which admits of no disguise to the diligent student of antiquity, or the observer of popular belief, that the conduct of men toward these interior regions has not rested here. And without trying to soften what after all must be confessed and hurried over as well as it can, it is a fact too notorious to be concealed, that the ancients from some primitive pique against the *internals*, early contrived to get the *t* in the name of the latter changed into an *f;* and to propagate the idea, that the centre of the earth was actually the *location* of a spot, which we desire not to mention 'to the ears polite' of the public. This seems to have produced an awkward feeling in men's minds, about visiting these abodes; and as the same insidious geographers were careful to lay down the entrance to them either in some pestiferous grotto or flaming crater, the persons best inclined by temper and taste to gravitate to the centre have either been wholly deterred, or gone about it with great tardiness of spirit. One of the most distinguished explorers of ancient times, indeed, found courage to undertake the excursion, by the virtue of a branch of gold, which he had the good fortune to find growing near the avenue; and if any thing would be attractive enough to enlist imitators of the experiment, we think it would be to have the entrance, through forests equally promising. We find no mention in Michaux, however, of a fungus of this kind, on any of our forest trees; and a late distinguished prince, the unfortunate emperor of Hayti, appears to have placed his hopes for the discovery of the internal regions (we make a matter of conscience to restore the *t*) on an attraction the same, to be sure, in principle, but different in form; for it is the only apophthegm, as far as we are acquainted, preserved of this monarch, that 'if there were a bag of coffee in the mouth of ——, there would be two Americans after it.'

To do men justice, it must be acknowledged after all, that

this their conduct has not proceeded from an abstract aversion to having the lower regions explored. On the contrary, they have shown themselves more disinterested on this head, than on most others. Backward as they have been to undertake the expedition themselves, there is none on which they are so ready to set out their neighbours; and if polite wishes and friendly intimations could carry one thither, there are not many parts of the upper regions, which would be more frequented than the lower. But it seems to have but little effect; and people stand complimenting each other, like over polite folks at a door, neither being willing to take the first step, and each bowing his friend heartily onward.

We confess that we have always thought this prejudice against the interior unreasonable, and wholly unauthorized by analogy,—the best guide we can have in the want of positive information. The works of nature, the more they are studied, are found to exhibit a certain beautiful harmony, on which we have a right to proceed in regard to what is unknown. There are so few productions of nature, which fall beneath our inspection, of which the outside is not the least valuable part, that we find it hard to believe that she has lavished all her resources on the exterior of the great globe itself; and condemned the main mass of it to a base and inanimate stratification, or to a hopeless chaos. In general, that which is good for much, whether in the unorganized, the vegetable, animal, or intellectual world, carries its merit within; and external beauties and superficial merits are proverbially transitory and worthless; either found to be unattended with interior worth, or at any rate far less permanent, and liable to rust, mildew, and decay. If you would have a fixed and permanent scarlet dye, you must seek out some unpromising mineral oxyde, or grind up a poor worm from a foreign coast; while that which you find on the leaves of the tulip, on a beautiful cheek, or the evening sky is gone almost before you can notice it. Messrs Perkins, Fairman, and Heath, nay Messrs Murray, Draper, & Co. have an ingenious machine, by the aid of which, and a productive paper-mill, they can make money almost as fast as a woman of fashion can spend it; such beautiful money too, that our brethren in the west have already borrowed a million or two of it from one bank, '*without the demand being half satisfied*:' nay, have even given a premium for the new bills over the old, as we ourselves, in our earlier days, remember to

have entertained a strong prejudice in favor of a bright cent. So rapid too is the operation of this wonder-working machine, that what was hemp and flax yesterday, and linen, and rags, and money today, too often brings you down to rags tomorrow, and not perhaps quite so often as it might, to hemp again, the day after. This is superficial money, while the true, interior, substantial coin must be dug deep out of a dreary mine, amidst the rushing of subterranean waters, and the toiling of ponderous engines, and be beaten, and roasted, and smelted, and coined, and milled out of rough, unseemly ores; and after all is but a white or yellow counter, with an ugly Spanish nose upon it, while the other money is covered with ships, and eagles, and lions, and goddesses, as gay as the pantheon.

The moment you turn your attention to the globe itself, you find it increase in value, as you penetrate below the surface; thereby furnishing the strongest encouragement to make thorough work; and instead of grubbing on the outside, go at once to the inside. The mere superficies of the earth is, as we all know, barren, sterile, worthless; and decked with beauties and riches not its own. The great trees, which adorn it, are not set down like flower pots on the top, but if Virgil can be trusted, actually go downward as far as they rise upward, and bring from below all that nourishes the splendid foliage above. It is so with the members of the whole vegetable tribe, which would die in the first sultry sun on the treacherous bosom of the soil, if they did not shoot inward their sagacious fibres, and force down their greedy taproots, and suck out some of the nutriment of the rich strata within. The farther you go down into the earth, the richer it grows. You first meet with your pigments and ochres, then with your rich porcelain clays and petuntzes; farther down you have your salt and your coal, and still farther your gold and your silver. Then too what blessed fountains of health gush up from its hidden springs. It is a great thing on the surface of the earth to get plain fair water, and this, at some places, as at Taunton, is so weak that it will not run down hill. While the fountains from beneath come bubbling up with all their sparkling carbonic gases, and tingling chalybeate freshness. In short, we look upon the earth as a great fig, the outside black and unpromising; remove the skin, and you come to an agreeable, nutritious pulp; while the germ, the fructification, the origin, and life of the whole is shut up and enclosed in the centre.

We have thrown together these ideas, by way of forestalling the favor of our readers to the projects of our ingenious countryman, one of the few men of the day, who seems to have pursued these analogies, and to have emancipated himself from the slavery of superficials. Col. John C. Symmes, whose original and highly instructive correspondence has, till the appearance of the work at the head of our article, been communicated in the columns of the government paper, seems to have caught, what may literally be called an *insight* into the nature of the earth, and to have disclosed the astonishing fact, that this globe we inhabit is but a shell, and that its interior surface is actually accessible. We are unfortunately not able to inform our readers, in what way the colonel was conducted to these interesting conclusions; but it does great credit to his zeal and the curiosity of his neighbours, to find him engaged in making his discoveries the subject of courses of lectures in some of the western towns. This fact reflects great honor on our country; and while the inhabitants of the old world are still grovelling about the surface and sending out voyage after voyage of circumnavigation and discovery, and expedition after expedition to the south pole and the north, we may claim, we think, the undisputed glory of suggesting and organizing a practicable route to the interior.

The colonel, we believe, has presented the public with printed memoirs and lectures from his own pen. These, we regret to say, we have not had an opportunity of seeing; probably from more pains having been taken, by the publisher, to furnish the inside of the earth, than this poor bark on which we live. Nor can we wonder that the inhabitants of those regions should, out of gratitude, buy up the first editions of the colonel's lucubrations; since, if they esteem it any advantage to be brought to light, they must feel it to be one, for which they are exclusively indebted to him. The same grateful feeling appears to have actuated them in bestowing the name of their discoverer upon some of their regions; for, as our readers perceive in the title of this work, the chief internal continent is actually called Symzonia.

The work before us is the journal of a voyage actually undertaken and carried on with success, in pursuance of Col. Symmes' discoveries. It was ostensibly made to the islands lately discovered in a high southern latitude, of which some of our shrewd countrymen are said to have kept the secret for

a course of years. But worthy Capt. Seaborn, whose name will go down to the admiration of the latest posterity with that of Col. Symmes, had no such ordinary views of interest, and leaving a part of his crew at these new found regions, he pushed boldly on with the rest to the southern opening, and made an effectual *entrée* into the before unexplored world. He found it, as might have been expected, instead of the dismal regions of the poets, the fiery volcanic caverns of cosmogonists, or the solid massy granite of modern theorists, a lightsome, happy abode, with inland seas and islands, and wise and good men. The adventures of the worthy captain have a pleasing Gulliverian cast; and in point of authenticity will compare to great advantage with Sinbad the Sailor, Robinson Crusoe, Gen. Pillet's researches in England, and the best of the modern English tourists in America.

We heartily congratulate the public on this discovery, and augur from it the happiest results. In the first place, it procures us a vast accession of territory, probably of the richest kind, for if ordinary *bottom* lands are notoriously fertile, what must those be, which are not only at the bottom, but on the other side. The addition to our jurisdiction is almost immense. It is well known that in the vocabulary of political science, all nations, for the first time discovered, are heathen, savage, and barbarous; of course wholly without right or claim to the land on which they live, of which the property immediately vests in fee simple and unqualified sovereignty in the discoverer;—who becomes authorized, to use an expressive phrase, to 'extinguish the Indian title,' in which process it commonly happens that the Indian is extinguished with it. A milder policy, however, prevails in some regions; and in South America the natives are only condemned to perpetual slavery, in the mines. As these are five or six hundred fathoms deep, those who live in them are favored with a cool temperature in those hot tropical climates; and never coming up, are not exposed to those vicissitudes which bring on phthisis; and if such as tend at the furnaces have a warmer time, they are compensated again, by being steeped gratis in the fumes of the sublimating mercury of the amalgamation process, so that they get their calomel cheaper, though probably not more abundantly, than the patients of the most decisive modern physician. Should it be found expedient to run a tunnel from our external to our internal territories, this would furnish us with a fine opportuni-

ty, to make the labor of our newly dicovered subjects available, in this humane way; and when the work shall reach the point, where the respective gravitations from the outward and inward surfaces meet, it will doubtless afford some novel theorems in the doctrine of forces, highly worthy the attention of the inquiring mind, particularly of the statesmen, who, in this awkward neutrality of party politics, hardly know how to choose their ground, and of writers like ourselves, who are of no party, which of all sides we ever happened to be on, is that where the kicks bear the largest proportion to the coppers.

Secondly, we shall probably gain a great market for our produce. There is no reason to believe that the Internals will not be glad to eat flour, and wear Waltham shirtings, and smoke tobacco; and it was ever a main feature of the benignant colonial policy, that the colony should feed and clothe itself from the mother country. Thus in our own happy state of colonial union with England, it was a crime in New England to manufacture hats, because this would cramp the industry of the mother country. The manufacture was accordingly prohibited, and this is what is called being 'fostered by the care of a mother country.' Should the Internals refuse to eat, drink, and smoke, as we direct, there then will doubtless be found ways to compel them. As to the latter article, there can be no difficulty. No one takes tobacco at first without nausea, and if we actually put it down their throats by main force, a struggle, more or less, is of no consequence. Or we shall have but to draw a large curtain across the opening at the poles, and we can have them upon their knees, for their very sunshine. We have no doubt that Col. Symmes, who has distinguished himself so much in opening this passage, would, with equal readiness, undertake to close it;—and if it were thought necessary for greater security, would erect a *half moon*, or even, like his comrade in Moliere, a whole one, on each of its opposite edges.

With respect to the reputation of the discoverer, we think that these extraordinary disclosures will place the name of Col. Symmes on an equal rank with 'the illustrious Ilixiofou.' If the mere conception of a north-western passage, which he did *not* find out, has given his glory to Columbus, what a title to immortality does not the colonel possess! The opinion which may be formed of honest Capt. Seaborn's researches has no effect on this question. If they are authentic, then

certainly the great proposer of this splendid path ought to live forever on the annals of fame : if they are not authentic, nay if no such opening as the colonel describes should ever be found, we should be glad to know what this detracts from the brilliancy of Col. Symmes' theory. Never have men been so niggardly, as to demand a mere practical success. Columbus would have been the most arrogant schemer on this principle. He sailed not for America, but for India ; and he thought he had found it. But he did not find what he sought, and he did not seek what he found ; and yet we load him with praises, because he happened to be arrested by Hispaniola, on the way to the Indian ocean. Col. Symmes ought to have the advantage of a similar indulgence. We doubt if all Pinkerton and Purchas contain more splendid discoveries than those which Col. Symmes projects, and we maintain that if the not finding a north-west passage round the world is a source of glory to Columbus, that the colonel has as fair a prospect of immortality, for not finding the passage through it. *Sat est voluisse.* The actual success is often a mere mechanical thing, in which chance, and ship-timber, and fair weather have more to do, than learning or sagacity. Whether any body will actually penetrate to the interior (granting for a moment that the work before us is a romance) we are willing to leave in doubt. But we take leave, out of justice to merit to say, that we think Col. Symmes fairly entitled to the credit of a theory, which never entered into the head of any other man before ; and of which, much as we should expect from the fruit of his lecturing—if he lectures as well as he speculates—we have strong doubts whether it will ever enter into the head of any body again. He may be truly said to have ' exhausted worlds and then imagined new.' Goldsmith bestows great and just commendations on the ' Belgic sires,' for having, as he calls it, ' scooped out an empire ;' but our enterprising countryman, in scooping out the globe itself, and proving it to be a sort of terraqueous egg-shell, has furnished the future Goldsmiths of our country with higher themes of panegyric.

It is impossible to anticipate the changes, which these great discoveries may make in science. If the falling of an apple led to the Newtonian theory of gravitation, what will not this excavation of the earth do for our systems of philosophy. The speculators of the present day, with a disposition somewhat *talparian*, have chosen the centre of the earth as the

great theatre of their doctrines. Not daring to meet the examination of the world in the face of day, they have gone down

> 'To the mountain's massy core,
> To the mines of living ore,
> To the dank and to the dry,
> To the unseen of mortal eye ;'

and played their fantastic tricks in the antipodes of high heaven. The colonel, we think, will ferret them out. We have observed the countenances of our geologists to lengthen ominously at the mention of Capt. Seaborn's voyage ; and, Wernerian or Huttonian, we find they are alike far from relishing the test of an actual expedition to the regions, which they have chosen to fill with their central volcanoes and gulfs. We have not heard of one of them offering to accompany colonel Symmes to the centre. Cuvier affects to be busy with his Megatherion, the great school at Freyberg maintains a solemn silence with regard to Col. Symmes' call for volunteers ; and we do not believe that if the Pope, in imitation of the grant of his predecessor Alexander VI. to the Spaniards and Portuguese, were to cede one of the internal hemispheres to the Vulcanians, and the other to the Neptunians, that there is one of them would dare to put his theory to the touchstone of observation, and set off for the arctic or antarctic opening. We say, we do not believe it ; there is no movement toward it. On the contrary, an effort is made to keep up a scornful silence, on the subject of Col. Symmes' proposals ; an intemperate and arrogant indifference is put on by the geologists ;—they seem to think the disclosure is to be whiffled out of the world's sight, by a boisterous reserve on their part ; and we think Col. Symmes should come out at once, with a 'Réponse au silence de Messieurs les geologistes.' The public will go along with him, in any step of this kind ; for the hanging back of the geologists, on this occasion, has excited much the same disgust as Mr Clay's refusal to emigrate to Shebro, with the reverend Mr Kezzel, and the brethren of his color. We have heard but one voice from the African Society of Boston on that subject, which was that of the admirable sentiment at their public festival, 'Mr Clay and our colored brethren, if he wants them to go, why does he not go himself?' It is with a disapprobation equally marked, that the American public has seen the busy ignorance in which the geologists have chosen to remain in regard to Col.

Symmes' offers to lead them through the polar openings. It was thought that, with the first annunciation of the proposal, the Neptunians and Vulcanians would have respectively fitted out their expeditions :—that the one party, in a fire proof ship, with ropes and sails of amianthus, and masts of iron, with fire engines and fire buckets, and every thing necessary to withstand a conflagration, would have sailed off, in a mass, to the southern opening, to explore their internal volcanoes. We do not say that they would have been bound in duty all to jump in ; but till they had gone to the crater, till they had brought us back some of their internal obsidian, till they had shown us a fragment of basalt or celestine from Symzonia, they could not have asked of the public any farther faith in their theories. Meantime, we should have looked for a corresponding conduct on the part of the Wernerians; an outfit to the interior gulf, a tight seaworthy vessel, with ample provisions to go and plough about on the edges of the great abyss,—and then if they had come back and told us they had actually seen their old red sand stone, in a state of paste, and their antediluvian fish working their way through a surf of liquid schistus, they would have done more for their theory than they have hitherto been able to effect. This they should have done, but instead of this they keep grovelling upon the Calton hill, the chalk basin of Paris, and the Harz mountains, and if a piece of lava or madreporite from the centre would save the nation, we do not believe there is one of them would go and fetch it.

But it is time to draw to a close, and we beg leave to recommend the discoveries of Col. Symmes again to the public. His success with the unexplored interior of our earth is so signal, that we advise him next to turn his attention to the moon, unless as some features in his speculations lead us to think, he has already done it.

ART. VII.—1. *Report of the civil and military engineer of the State of South Carolina, for the year* 1819.

2. *Plans and progress of internal improvement in South Carolina, with observations on the advantages resulting therefrom, to the Agricultural and Commercial interests of the State.* Columbia, 1820.

3. *Report of the Board of Public Works to the legislature of South Carolina for the year* 1820.

In the complaints, which are so often and perhaps so justly made, of the want of *national* patronage for great public objects, too little, it may be, has been thought of the tendency of all our political institutions, to throw the care of these objects upon those who are more immediately concerned in effecting them. In a country of such prodigious extent as ours, presenting such occasion for every species of public works and public improvements, it will be allowed that the national legislature ought to proceed with extreme caution, in applying the common funds of the state to objects which may not be of common utility. But we are divided into independent communities so rich and powerful, that scarce any object of public utility is beyond the grasp of the resources of the single states; so that, after all, the care of individual objects of public improvement is put into the hands of those most sure to be benefited by them, and most concerned by interest and most enabled by local situation to accomplish them with zeal and economy. At the same time that this consideration ought to reconcile us to the abandonment to state patronage of many objects, to which the great engine of the national resources might be honourably and usefully applied, we are far from defending a penurious policy on the part of the general government; and of all the applications of the principle of constructive powers, if we may be pardoned the pleasantry in a serious connexion, we regard with most complacency that which authorizes Congress to construct roads, canals, and other similar public works. That the cause of internal improvement meantime is not suffering in the hands of the states, is abundantly evinced, not only in the truly glorious enterprise now achieving in New York, to which we have long coveted and hope soon to enjoy an opportunity of particularly calling our readers' attention, but in the public works of the states of Virginia and North Carolina, to which we have, in former numbers of our journal, devoted some of our pages, and those which are going on in the same spirit in South Carolina.

It is obvious that commerce depends not only on the diversity in the productions of different countries; but on the comparative cost in different countries of the same article. Among the circumstances that affect this, the expense of transportation from the place of growth or manufacture to the market is not the least considerable. In the case of an article so

bulky as cotton, this must necessarily constitute a material part of the cost. For this reason, canals, which have ever been an important object in commercial and manufacturing nations, and in the eyes of enlightened governments, become peculiarly so in a region, of which the staple is of the character alluded to.

South Carolina, generally speaking, possesses a fertile soil, and from an early period contributed largely to British commerce, in the articles of indigo and rice. Of late years not only has the first of these given place, in the lower districts, to that variety of the cotton plant distinguished by its short staple and green seed; but it has been found that the higher lands are congenial to the same species of cotton. It has accordingly spread through the western districts; a circumstance which greatly adds to the importance of the works, which have for their object the facilitating of the water carriage from the upper portions of the state to the coast.

The state contains about twenty-four thousand square miles, and is naturally divided into the primitive and the alluvial country, the former extending westward from the falls of the rivers, the latter eastward about an hundred miles to the sea. As the climate of the upper country permits white men to labor, it has become populous; and if the predominance of political influence is found in this section of the state, it is warmly seconded by the lower country in the measures especially necessary to its prosperity.

During the war in Europe and the increased demand for cotton, its culture rapidly extended; but when peace allowed commercial nations to resume their enterprise, a supply of this commodity would of course be sought from sources least obstructed and expensive; and in the market of American cotton thus reduced those portions of our country would necessarily have the advantage, who could bring their produce cheapest to the coast. Discerning men in South Carolina could not be slow in perceiving, that neighbouring states were in possession of advantages of natural navigation from the interior superior to their own. It was plain that the Mississippi would pour a large amount of that staple product into the marts of the old world, at little expense beyond its first cost. The Savannah had been rendered navigable for steam boats, and the rate of carriage from Augusta to the metropolis materially reduced; while the fertility of the banks of the

Alabama was inviting the emigration of their enterprising fellow-citizens. Meantime, however, it was equally open to remark, that South Carolina itself was traversed by numerous rivers, and possessed the advantage of an excellent port; and of a wealthy metropolis, towards which every stream directed its course, actually requiring less expense to be rendered navigable, than the cost of land carriage for a single year. The importance of these considerations may be estimated by the value of the annual exports of the state, which had now risen to fourteen millions.

Accordingly in December 1818, on the motion of Mr Poinsett, the legislature passed a resolve, directing 'the civil and military engineer of the state to devise and adopt all such means as he shall deem expedient for opening certain rivers, therein specified.' We beg leave to invite the attention of our readers to the objects contemplated in this resolve, and the progress made in effecting them.

The principal rivers of the state of South Carolina are the Santee and the Pedee, and each has been the object of important enterprises for the improvement of the navigation. The Santee communicates with Charleston by the Sea Island passages, and is ascended without material obstruction to the vicinity of Columbia, a distance of one hundred and fifty miles. This city, the seat of government, is situated on an elevated plain, near the junction of the branches of the Congaree, denominated the Saluda and the Broad river. These latter streams, after flowing more than a hundred miles through a productive country, as they approach each other, are precipitated over successive ledges of granite, of no inconsiderable elevation and extent, and one great object in the internal improvements in South Carolina has been to remove the obstacles thus produced in this part of the water carriage. The judicious plan of the engineer appears to have been, to throw a dam across the Saluda, at the head of the falls, and from the more elevated surface of the river thus produced, to fill a canal, opened for the distance of two miles across the intervening ground, to Broad river; into which a descent is effected by locks about the middle of the falls. He then placed a dam a short space below the lock, and thereby flowed the upper part of the falls, and produced a reservoir to supply another canal, formed within the opposite shore, between the river and the city, leading at the distance of three miles, to

deep water at the steam-boat landing. In its course opposite the town, this canal is enlarged into a dock, for the reception of the luggage boats from below to exchange loads with the smaller craft of the upper navigation.

After the confluence of the Saluda and Broad river, the stream takes the name of Congaree to its junction with the Wateree; after which, under the name of the Santee it descends to the ocean. The Wateree is naturally navigable to Camden. Above that town several falls occur, at which considerable works will be necessary, before we come to Rocky Mount, the greatest of the falls of South Carolina, and beyond which the river still bears its native name of Catawba. This fall extends eight miles, and measures a hundred and seventy-eight feet of perpendicular descent. The canal already commenced at this place, though remarkably favored by local circumstances, must be expensive. It does not appea that any estimate thereof is offered. When we recollect the inherent difficulty of computing an expense which depends on so many contingencies, the omission is not injudicious. It is said, however, in the report, that ' its completion (together with the works doing in North Carolina) will open the navigation to the foot of the Blue Ridge, within fifty miles of the navigable waters of Tennessee and three hundred from Charleston, in a direct route for the trade of the Western States.' This route may be very important, especially in time of war, in connexion with the water communication between the Southern and Eastern States, subsequently to be mentioned.

The Pedee, which name the Yadkin takes after an extensive course through the most productive districts of North Carolina, waters all the northern part of the state of South Carolina in a course of two hundred and fifty miles, till it finally reaches the coast at Georgetown harbor. By the skilful application of mechanical engines, the bed of this river has been cleared, in two seasons, of the accumulations, which collect in streams in an alluvial country before the banks are made a subject of public care. The several branches, moreover, of this river appear to be all considered of importance in the general plan. The Waccamaw has, however, been esteemed of peculiar importance. Its course is nearly parallel to the sea coast, and it is of a depth capable of carrying vessels of one hundred and fifty tons to the dis-

tance of eighty miles. This river owes its peculiar importance to the circumstance, that the inland water communication, so desirable between the southern and middle states, must be opened by means of a short canal from the nearest point of its course to Little river. This river discharges itself near Beaufort, within the Sea Islands of North Carolina. By means of these works and the other improvements and natural means of the adjoining states, a water carriage becomes practicable from Florida to the head of Chesapeake Bay, thence to the Delaware, by the canal long since commenced, (but suspended for want of funds,) and from the Delaware to the Raritan; conveying southern produce to the remotest shores of the lakes and to the centre of New England. In a time of war especially, this inland navigation would be of great importance, defended as it might readily be, at exposed points, by floating batteries or steam gun-boats. Experience has already taught this country how severely the interruption of commercial intercourse would be felt, under long continued hostilities, without safe water carriage both of produce and other merchandise, to say nothing of the munitions of war, and supplies for the navy.

The general plan of the improvements in South Carolina, is to concentrate all the business of the state, and of some part of the adjoining states, at the capital. From the harbor of Georgetown, therefore, a canal is making five miles, across the tongue of land which separates it from the Santee. If we consider the quantity of produce that must descend all these rivers to pass this little work, its beneficial effect must be very great, compared with its expense; besides its importance, when viewed as a part of the chain of inland water communication among the states. We have only to apprehend, that it may be made on too narrow a scale for that great purpose, and without conformity perhaps to the other links in the chain. It must not be forgotten, that the dimensions of this work will regulate those, which may hereafter be made in relation to it, in the other states, where manufactures are as progressive, as the agriculture of South Carolina.

But we ought to retract our hesitating expression when we regard the liberality and enlightened spirit which the state has already evinced. One million of dollars was at once appropriated to these various works; and not less than a thousand northern laborers employed the second season. The works were commenced at once in so many places, that it was im-

possible for the state's engineer to conduct them. To remedy this defect, at the session of 1819 the Board of Public Works was constituted by an act of the legislature, composed of five members, two of whom are professional engineers, with salaries, the others public spirited individuals, who serve without compensation. The board is invested with corporate powers, and all requisite authority, and is under the presidency of Mr Poinsett.

Besides the works already enumerated, the Ashley, which flows on the southern side of Charleston, is to be connected with the Edisto, by a canal of twelve miles. This river divides itself into two branches, and waters an extensive district towards the Savannah, the southern boundary of the state. And it seems to be even intended to open a communication with that extensive river. The board have, moreover, comprehended in their design every conceivable improvement for the facilitating of the inland communication. They have made no small progress in the formation of a road, leading through the state towards Tennessee. It extends already, according to the report, from Charleston to Columbia, and from that town to the Saluda mountain. In all their operations the views of the board appear to have been ably seconded by the personal exertions of gentlemen of fortune and influence in every part of the country.

It has not escaped the observation of the intelligent projectors of these works, that they would avail but little, without a good system of navigation. It has, therefore, been their policy to encourage the introduction of steam boats, and other modes of conveyance, from which it has been demonstrated from some examples how great the savings to the public must finally be. We find it stated, in the second pamphlet at the head of our article, that 'since the Pedee river has been cleared of obstructions, so as to afford navigation for steam and team boats, cotton has been carried from Chatham and Society Hill to Georgetown for seventy-five cents the bale, whereas it could not be carried the same distance, by land, for less than two dollars, or by water, by the former navigation, for less than one dollar twenty-five cents.'

From Columbia, it is supposed, though this is not stated in the report, that 200,000 bales annually, of cotton, may be expected to descend. The saving of the cost of carriage on this amount would be - $250,000

The difference between land and water carriage on half the quantity down to Columbia may be estimated at - - - - - - - - - 125,000

The saving on merchandise carried into the country we have no means of knowing but by comparison. The country which Charleston must supply is more extensive than New England. Now, through Hadley canal, on Connecticut river, there pass annually 6000 tons, through Middlesex canal about 2000, and on the intermediate roads probably 3000; in all 11,000 tons, with a saving of 10 dollars a ton, on water transportation. Allowing no more to South Carolina, we must to the former items add, for the saving of 10 dollars on 11,000 tons - - - - 110,000

$485,000

Such is the annual saving in one district only of the state. The benefit, however, will principally depend on the modes of conveyance that shall be adopted. That mode of course will be preferable which shall best subserve the interest of the planter and the merchant; not that which is numerically the cheapest, but that which shall unite despatch with safety, regularity and economy of time, as well as moderateness of expense. The time required for the transport of produce to market is of material consequence. The demand, early in the season, is brisk; and the sooner the crop is down, the more opportunities there will be of a sale; besides, that the cotton is gathered in and prepared successively. Every great planter has successive quantities to send to market, and is solicitous to get them quickly to the hands of his factor. The reasons for despatch are scarcely less urgent in the transport of supplies into the country, especially towards the close of the spring business and the approach of midsummer, when intercourse with the seaports is suspended for some months.

We are led to these remarks from seeing that some reliance is placed, by the board, on the use of animal power in navigating these extensive rivers. It is not our purpose to decry experiments of any kind; nor to discredit the utility of this mode of conveyance, when nothing better is to be done. When, however, this last is not the case, it is an obvious question, whether the substitution of the power of the steam engine for horses has been fallacious. In England, the breweries, dis-

tilleries, and mines, are notorious instances of the preference of steam engines; and the use of them on rail roads would be more applicable still to the elucidation of the point, were we better furnished with facts.

It is stated in the report, that a boat propelled by the labor of eight mules, navigated by five men, carried three hundred bales two hundred and fifty miles in fifteen days, at the expense of a hundred and sixteen dollars twenty-five cents, and that the freight was seventy-five cents a bale, amounting to two hundred twenty-five dollars; of course the apparent profit to the navigators was a hundred and eight dollars seventy-five cents. The object of this statement was only to shew the savings by this operation to the public, as the land carriage of the same number of bales would have amounted to six hundred dollars. It is unquestionably true, that for short distances, animal force may be applicable, while for great distances it is of doubtful expediency, among other reasons, because it cannot in its nature be at every moment equal. It is never operative to the full measure of the force employed. The steam engine on the other hand is a force, at every moment equal and indefatigable; and, whether great or small, is managed by one man. Though eight mules or horses can be governed and driven at once, it does not follow that sixteen could be. This power, therefore, has its limits in practice. It would be absurd to think of employing in one boat the animal force of forty horses, while it is very easy to use a steam engine of that power.

To estimate the comparative economy of steam engines, and horse power we are enabled to state the facts of an experiment on the Merrimack, in Massachusetts, with a small steam towing boat of five horse power. Her wheel was placed in the stern to enable her to pass through the locks on that navigation. She towed two boats of her own burden along side, and ascended the river at the rate of thirty miles a day. Her expenses are estimated to have been twelve dollars a day, for fuel, men, &c. We are inclined to think that even this steam engine, in the situation of the team boat abovementioned, would have done the business to more advantage, for the reason that the passage would have been made in five days, and

at the expense of - - - - - - -	$60
and would have carried 180 bales at 75 cents -	135
yielding a profit of - - - - - - -	75

or for three trips of five days $225, which is more than double the profit of the team boat for the same time.

The difference in favor of steam engines appears much greater when on a larger scale. Take, for example, one of fifty tons instead of ten tons, this being the size which we understand is contemplated by the Boston company to navigate the Pedee and pass the five mile canal near Georgetown.

First, the steam boat will receive half a load - - - - - - - 20 tons
2 luggage boats each 40 - - 80
So that the load is - - 100 tons or 600 bales.

The equipage and other expenses will be twenty dollars a day, amounting in a passage of seven days to - $140
Freight at $1,50 per bale - - - - - 900

Apparent profit - - - - - - - 760

Boats exceeding a hundred tons would probably not be so economical, simply because their burden would not perhaps permit of continual freights, nor admit of that celerity and despatch necessary to this branch of navigation.

We scarcely think it necessary to name the superior duration of engines over animals, nor the liability of the latter to sickness and death. It is obvious, that if an engine requires to be readjusted, there is meanwhile no expense for fuel, but if one or two of a set of mules are unable to perform, still the rest must be fed. Experience and interest will undoubtedly instruct and guide men in all kinds of business: nor should we have dwelt thus long on this topic but from the apparent retrocession of this expedient from the great modern improvement of steam navigation.

A difficulty exists in the navigation of the southern rivers, in the liability to extreme drought: but this it is proposed to overcome, in the building of the hulls of steam boats, by the use of that very light and durable timber, the spruce, which abounds in New Hampshire and Maine.

A concurrence of favorable circumstances has attended the rapid settlement and improvement of the fortunate country, of which we have been speaking. In climate and in productions—and ultimately in the facilities of trade, it will be unsurpassed by any other. But an apprehension is sometimes expressed, that the quantity of cotton cultivated between 36° of N. latitude and the gulf of Mexico—and from the

Atlantic to the Mississippi, may be too great for the European demand; and that we shall meet with a disadvantageous competition from India, and from the South American colonies. Yet this fear seems unfounded for the following reasons, which at once occur. Cotton will bear to be sent to China, when it costs here but ten cents per pound. With good management, it is supposed the planter might afford it even at eight cents. The voyage from the United States to China being much longer than from Bengal thither, we may safely presume, that if we are able to come into competition with India in the cotton market, at this rate of cost here, the price in India must be at least as great, and therefore that the India cotton cannot interfere with ours in Europe, when the price is thus low, because the freight for a longer voyage than we have to perform must also be paid.

The importance of this branch of commerce to the United States is seen in the fact, that more than half of all the cotton manufactured in England is from the United States; the quantity from India however is not small. In 1810, there were received seventy-nine thousand bales from that country: and from this, two hundred and forty thousand. In 1811, from India, fourteen thousand six hundred bales; from this country, one hundred and twenty-eight thousand five hundred. The causes, whatever they were, which produced this diminution in one year, evidently affected the India trade, more than the American trade, in this article.

If we have indeed any thing to fear, it is from the Brazils. From that country the importation into England is less than from ours, in the proportion as three to eight, and from all other places, as three to ten. Uncertainty always attends commerce, but the wants of mankind are ever reviving. Our own country will consume a great quantity of cotton, new uses of it will be devised, and the demands of an increasing population, probably equal the progressive extent of its cultivation. When, however, the gross quantity becomes too great, improvements in the quality will be attempted. The use of gypsum as a manure has the same effect on this, as on other plants. Skill in this branch of husbandry will be exerted. The labor of the white population will be found, as it already is in the western districts of the Carolinas, not only practicable, but productive of cotton of better quality.

In contemplating the immense resources of our country, we

are perhaps too prone to exult in its advantages. We shall not, however, fear to cherish a sentiment of national pride in them. And although it be not a new thing that a territory, extending through various climes, should reciprocate from its extremities the benefits of trade, yet it is a circumstance equally remarkable and satisfactory, that these United States should be so bound together by diversity of habits and interests; a diversity once supposed to be an ultimate cause of disunion, but which operates essentially as a cement of the national structure.

In closing the report it is stated, 'that from the progress made there is reason to believe that nearly all the improvements contemplated by the legislature, opening an inland navigation of more than fifteen hundred miles, will be completed in the year 1822, and within the sum pledged and set apart for internal improvements.'

ART. VIII.—*An Anniversary Discourse delivered before the New York Historical Society, December, 1820, by Henry Wheaton.*

OUR former volumes have borne testimony to the value of the anniversary discourses before the New York Historical Society, and the public judgment has anticipated ours in placing this of Mr Wheaton in the most honorable rank of its predecessors. We cannot allow it, however, to take its station among the most respectable of the occasional productions which our literature has furnished, without recording our tribute to the learning and sound philosophy which it displays, and dwelling a moment on one or two of the important topics which it treats.

Mr Wheaton, in choosing a theme for his discourse, was led to wander a little from the usual path, and to select a topic not immediately connected with the history and antiquities of America. The science of public or international law is the subject to which his discourse is devoted, and the design of presenting a concise history of this great science is happily executed within its limits.

Mr Wheaton correctly observes, in the outset, that the ancient nations had very imperfect notions of international justice, and that foreigner, barbarian, and enemy were synony-

mous terms. No proof of the truth intended in this proposition is needed by those who are at all versed in antiquity. With respect to the *word* barbarian, however, we would observe, that we are perhaps too ready to transfer to it, as applied by the Greeks and Romans respectively to all nations besides their own, some of the associations of ferocity and cruelty, which enter into the modern idea of *barbarous*. We believe it can be shown that barbarian was in the classic ages both of Greece and Rome simply synonymous with foreigner. It is a word apparently not of the original Greek stock; not being found so much as once, in its simple form, and but once in a compound form, in all the poems of Homer. This was early observed by the ancients themselves, and made a matter of difficulty, among others, by Strabo, who says, Τοῦ ποιητοῦ δ' εἰρηκότος οὐτωσί Μνασθλης δ' αὖ Καρῶν ἡγήτατο βαρβαροφώνων· οὐκ ἔχει λόγον πῶς τοσαῦτα εἰδῶς ἔθνη βάρβαρα μονος εἰρηκε Κᾶρας βαρβαροφώνους. βαρβάρους δ' ουδένας Str. xiv. 2. 28. The same intelligent geographer advances the opinion that the word βάρβαρος was a sort of imitation of the rough and unmusical utterance of foreign languages. This opinion we think far more reasonable than that of the modern etymologists, a part of whom deduce this word for the Arabic *brbr*, to murmur, and others from the Syriac *br*, extra, a root also common to the Arabic and Chaldee in the same sense.* H. Stephens gives the preference to Strabo's derivation, and Heumann, in an ingenious dissertation on the Barbaric philosophy, in the Acta Philosophorum, viii, defends it with considerable ingenuity. Heumann, however, appears to be mistaken in ascribing an Egyptian origin to the word barbarian, on the strength of the following passage of Herodotus.

Νεκὼς μέν νυν μεταξὺ ὀρύσσων ἐπαύσατο, μαντηίου ἐμποδίου γενομένου τοῦδε "τῷ βαρβάρῳ αὐτὸν προεργάζεσθαι"—βαρβάρους δὲ πάντας οἱ Αἰγύπτιοι καλέουσι τοὺς μὴ σφι ὁμογλώττους, ii. 158.

Here we do not understand Herodotus to assert that the Egyptians actually applied the identical word βάρβαρος to those, who spoke languages different from their own, but that they used some corresponding term. For we believe it is the invariable practice of the father of history, in making use of

* See Golius; and Schleusner in the word βάρβαρος. This opinion is also defended by Roth, in a memoir before the Royal Society of Munich, entitled Bemerkungen ueber den Sinn und den Gebrauch des Wortes *Barbar*. He adduces however no new arguments in favor of it.

Egyptian and Persian words, expressly to say that they are such as Σπακώ, i. 10, where he adds τὴν γὰρ κύνα καλέουσι σπακὰ Μῆδοι, and ii. 2, the memorable word Βέκος, on which Goropius Becanus foundeth his proof that the Flamands are the oldest nation, and the Flemish the oldest language on earth, εὕρισκε φρύγας καλέοντας τὸν Ἄρτον. See also Herod. ii. 46.

Whatever may be thought of this point, the passage first quoted from Herodotus affords strong confirmation that the radical idea of barbarian is, one who speaks a foreign tongue, or as Stephens expresses it, 'Sermone blæso, imperfecto, incompto utens.' There is a characteristic proof of this in Aristophanes, Aves 200, where the birds are said to be barbarians, till they had learned Greek; a passage which is finely illustrated in the account given by Herodotus of the origin of the oracle of Dodona, where he uses the expression ἕως δὲ ἐβαρβάριζε, ὄρνιθος τρόπον ἐδόκεέ σφι φθέγγεσθαι. ii. 57. We have already seen, in the line of Homer, the only line in which the word βάρβαρος occurs in any form in that poet, that its application rests upon the corrupt dialect of the Carians, Καρῶν βαρβαροφώνων. Thucydides, i. 3, attempts to give an answer to the same question, which Strabo also discusses, why Homer called no nation barbarous; and finds that reason in the fact that the name of Ἕλληνες for Greeks not being known in the time of Homer, that of βάρβαρος, as opposed to it, could not have been used. But this appears not remarkably close in point of argument nor correct in point of fact, and there is another passage in the same historian, ii. 68, where the true meaning of βάρβαρος, viz. speaking a foreign tongue, is very forcibly though unintentionally illustrated, καὶ ἑλληνίσθησαν τὴν νῦν γλῶσσαν τότε πρῶτον ἀπὸ τῶν Ἀμπρακιωτῶν ξυνοικησάντων· οἱ δὲ ἄλλοι Ἀμφίλοχοι βάρβαροι εἰσιν. We observed that Thucydides errs in point of fact in saying that Homer makes no use of βάρβαρος, because he had no distinctive name for Greeks; for though he does not use Ἕλληνες as afterwards employed, he uses Δαναοί and Ἀχαιοί, and there is no doubt but that Agamemnon or Achilles looked down with as much disdain on the Phrygians, as the later Greeks did. But if we consider the radical meaning of the word βάρβαρος to be, speaking a foreign tongue, the history of that early period suggests ample reason why this word should be sparingly used by Homer, since the Greek language could not, in the Trojan times, have attained any thing like its subsequent fixed character; and instead of wondering that Homer

uses the word but once, we are strongly inclined to question the authenticity of Il. ii. 867. It is actually rejected, as Roth observes, by an ancient scholiast; though we cannot approve the latitude with which the Bipont Editor of Thucydides remarks, that neither Eustathius, the Minor Scholia, nor *any one else* comments on this line. It is certainly commented upon by authors far more important than any Scholia, by Thucydides and Strabo, by Apollonius and according to Heyne, Il. iv. 434, by two scholiasts in the Leyden manuscript.

This idea of the radical meaning of barbarian in the *profane* Greek writers is confirmed by its use in the New Testament, as in the well known passage of St Paul, 1 Cor. xiv. 10, 11. Τοσαῦτα, εἰ τύχοι, γένη φωνῶν ἐστιν ἐν κόσμῳ, καὶ οὐδὲν αὐτῶν ἄφωνον. Ἐὰν οὖν μὴ εἰδῶ τὴν δύναμιν τῆς φωνῆς, ἔσομαι τῷ λαλοῦντι βάρβαρος καὶ ὁ λαλῶν ἐμοὶ βάρβαρος. We might multiply passages both from profane and ecclesiastical writers to the same effect, but we content ourselves with one from Pindar, which is much to the purpose, and which we do not remember to have seen cited, in this connexion.

Οὐδ' ἔστιν οὕτω βάρβαρος οὔτε παλίγγλωσσος πόλις,
Ἅτις οὐ Πηλέος ἀΐει κλέος ἥρωος.

Such, no doubt, was the primitive signification of the word. It was by degrees used to express not only one who spoke a foreign tongue, but one who was characterised by the ferocity which was ascribed to remote and foreign nations. Still, however, the original meaning was so firmly fixed, that the Romans did not scruple to use it of themselves, meaning thereby simply *not Greek*. Plautus calls the Romans barbari and Italy *barbaria*, Pœn. iii. 2, 21; and Ovid in a well known passage says,

Barbarus ego hic sum, quia *non intelligor* ulli.
Trist. v. 10, 37.

At what period the name of *Barbary* began to be applied to the African coasts of the Mediterranean we do not know; that it has acquired the force of a simple proper name is apparent from its being so used by the Arabian writers themselves, as by Abulfeda, Africa, p. 4.

We would only remark further, that there are ten or twelve passages in Æschylus, in which he introduces the Persians calling themselves barbarians, in such a way as shows that the term was used wholly without opprobrious association. We in-

tended to have quoted a few of these, but find the remark and some of the citations anticipated in Krebs' observations from Josephus, p. 269, and D'Orville's notes to Chariton, vi. 3. The former pronounces 'Vocem βάρβαρος nihil acerbi odiosique continuisse, nec quicquam aliud denotasse quam Persas non esse Græcas.'

But we ought to crave the pardon of our readers for this long discussion, into which the curiosity of the topic has led us. Our remarks, moreover, apply to the use of the term barbarian, and are by no means intended to controvert Mr Wheaton's position, that stranger and enemy were equivalent in the ancient world. But we feel a strong desire to plead the cause of the Athenian character against the heavy charges, which Mr Wheaton brings against it. This, however, we shall forbear, not only because we freely acknowledge the justice of many of his views, but because we cannot afford space for the details, into which the controversy would carry us. With regard to domestic slavery, we think allowance ought to be made for the universality of the practice, in estimating the moral imperfection which it argues in the individual nations of antiquity: and we ought also not to transfer too closely to the slavery of the ancients those notions which we form of it, from the shape in which it appears in modern times. Many of the most elegant, useful, and confidential arts of life were in the hands of slaves in Greece and Rome, and must have given a corresponding comfort to their condition; while the ease with which slaves, being of the same color, were absorbed into the mass of the free population, was an alleviation, the want of which is the bitterest drug in the cup of African servitude.

In the remarks on the Roman constitution we cannot but notice one, which is strongly characterized by what Gibbon finely calls a 'learned ignorance,' and evinces deeper insight into the constitution of the Roman state, than might be done by many pages of positive detail:

'After the Plebeians had risen to something like social and political equality with the Patrician caste, and until the downfall of the republic, it presented the singular, and, to us, *inexplicable* phenomenon of two (or rather three) legislative authorities, each equally supreme, and acting in the same sphere, without any intermediate power to balance or reconcile their jarring pretensions.'

We are fully of opinion that such a phenomenon as the Roman state presents on the ordinary explanation of its form of government is inexplicable ; and not merely one which would lead to the anarchy and confusion, which we actually witness in their history, but which could not exist an hour. It is difficult to point out a different theory of the Roman constitution which shall be wholly free from objections ; but it must be done, before the existence of the republic for three or four centuries can be rendered conformable to the known laws of human nature. We are ourselves inclined to believe that *Plebs* and *Populus* have been too strongly contrasted, and that the former assembly, like the latter, included all the Patricians who were not actually senators ; and that the only real difference between the two assemblies was that of the same Roman people, voting in the one by geographical parishes, and in the other by a scale of property.

We would gladly believe that Mr Wheaton has drawn in colors somewhat too dark the state of society in the Roman empire. In estimating its character are we not too apt to follow the professed satirists, who see mankind only at the focus of corruption in the capital, and the historians, who write the history not of nations but of courts, not of the mass of men, but of those who separate themselves from the mass, by rare qualities, or high fortunes, or great adventures? What a false and injurious opinion would not he entertain of the state of society in England, at the beginning of the last century, who should apply Pope's Satires to the mass of the nation. How many honorable matrons were there not in that country, kind and faithful mothers, virtuous wives, good women, whose lives were devoted throughout the great middle class of life to making the happiness of their husbands, of their children, and of their friends, by a round of duties and sacrifices not to be enumerated, at a time when the satirist, more for the sake of putting a stinging point to an antithesis, than for any better reason, pronounced 'that every woman at heart' was open to condemnation. Whatever might have been his sincerity or impartiality, he was as little able to estimate the mass of the sex from the trumpery of a court, as to judge of the sweetness of a dew drop from the drippings of the common sewers. There is perhaps no more reason for inferring the character of the Roman women in the provinces, nay, of the majority of the Roman ladies in the capital, from the example of the

Messalinas and the Livias, than there would be for classing the virtuous mothers and daughters of England, with the Mrs Mashams, the lady Montagues, and the others of that class. So also we have been used, too used it is to be apprehended, to inferring the universal depravity of French society, from the hereditary corruption of Paris and the glaring enormities of the revolution. But we imagine that whoever should visit the abodes of that part of the great population of France, which lives not in Paris nor for Paris, the small proprietors, the tenantry, the industrious manufacturers, the obscure circles of the little provincial towns, would find a far different race than that, which he had pictured to himself from the model of the elegant depravity of the saloons at the metropolis. With regard to Roman society, we think the great perfection to which their private law was brought, affords the strongest testimony—indirect, to be sure, but unequivocal—in its favor. Where rights and privileges are so accurately defined, so nicely weighed, so jealously watched, and so powerfully protected, as we know from the records of the Roman law that the rights and privileges of the citizens were, even under the most despotic princes, the substance of virtue and happiness must exist. The popular notions of the unprincipled despotism of the emperors ought not to be carried so far, as to make us think that justice was not done between private man and man, or that property or life was insecure. Such a despotism as goes to the morals of a people, as poisons the springs of virtue, by separating probity and industry from all their human rewards, does not deal in senatus consulta, in constitutions and rescripts, in prætorian edicts, in digests, institutions, and novels. We doubt the law-book in Russia is a mighty thin volume, to administer justice withal to a seventh of the terraqueous globe; and as for Turkey, the Cadi begins by taking one tenth of all property litigated, and then adjudges the equity of the possession to him who is likely to pay the largest bribe out of it. Under a despotism like this, it is hard to be industrious or honest; and it seems to us equally hard that the mass of a community should be otherwise, in a state where such a code as that of Rome was formed and administered. And if the murder, by a ferocious soldiery, of such a man as Papinian, prove the iron bondage of the capital and of the court, the life, labors, administration, and fame of such a man, his elevation to the imperial councils, his authority while liv-

ing and his reputation when dead, are as many proofs on the other side, that law was still reverenced in the land. And where the law is reverenced, there society cannot be called corrupt, and one may say of it what is said of the saving virtue,

'Nullum numen abest, si sit prudentia.'

Having dismissed the subject of the international law among the ancients, Mr Wheaton pursues it from the first glimmerings in the dark ages to the writings of Francis de Victoria and Dominic Soto, his pupil, two of the first authors in this department after the revival of letters. One of the most interesting questions, which present themselves at this period, in respect to the law of nations, is the origin and progress of that disastrous traffic, of which the consequences form so peculiar a feature in modern society. It is fresh in the remembrance of our readers, that one of the predecessors of Mr Wheaton, at the tribune of the Historical Society, made a very able and ingenious effort, to second the bishop Grégoire, in his vindication of the character of Las Casas, against the popular charge of having promoted the slave trade, out of tenderness to the natives of the Spanish provinces, whom he thought less capable than the Africans of enduring the fatigues of the mines. Having given a full analysis of Mr Verplanck's arguments, as well as of those of Grégoire, as we found them in the notes to Mr Verplanck's Discourse,* it seems our duty also to lay before our readers the remarks, which Mr Wheaton has made in reply. After observing that Soto appears to have condemned not the slave trade in general, but the practice of kidnapping among the Portuguese traders, Mr Wheaton adds,

'I wish also it were in my power to concur in the charitable judgment of the benevolent Grégoire, and of my learned friend and predecessor in this place, acquitting Las Casas himself from the imputation of having recommended this traffic as a substitute for what he probably deemed the greater cruelty and injustice of enslaving the American Indians, and consigning them to perish in working the mines of Mexico and Peru. But all that Las Casas insisted upon was, that the natives of the New World became by the conquest the subjects of the Spanish crown, and not the private property of the conquerors; and he asserted the principle that kings have no authority to dispose of their subjects by

* North American Review, vol. viii. p. 418 et seqq.

delivering them over to other lords or vassals upon the *Encomienda* system. The book which he wrote to maintain even this moderate, and, as it would seem to us, self evident principle, was denounced by the tribunal of the inquisition, that steady and consistent foe of the rights of human nature.* Las Casas probably considered this doctrine as compatible with his favorite project of substituting, for the American Indians, the already enslaved natives of Africa, who were supposed to be more capable of enduring excessive labor in the torrid zone, than the mild and feeble race, in whose favor all his sympathies had been excited, by his having been an eye witness of their cruel sufferings. You will be forcibly struck with the judicious observations upon this subject contained in a history of the Vice Royalty of Buenos Ayres, written by *Gregorio Funes*,† an acute and learned ecclesiastic and patriotic member of the Sovereign Congress of the United Provinces of La Plata, who with every disposition to see this cloud removed from the fame of Las Casas, after a candid examination of the question, reluctantly concludes that it must still rest there. The author of the classical work to which I have alluded deduces the history of the vast regions of Paraguay, Buenos Ayres, and Tucuman, from the discovery of the magnificent river La Plata down to their recent revolution; and follows other historians in attributing the original importation of African slaves into South America to the infatuated counsels of Las Casas.‡ He regards the circumstance of their introduction as highly unfavorable to the emancipation of his native country from the Spanish yoke, because it produced a new admixture of races, whose variety was already so difficult to amalgamate in social equality, consistently with social security, and because the education of youth in the midst of this degraded race was better fitted to form tyrants than free citizens. As to the evidence adduced by Grégoire in exculpation of Las Casas, Dean Funes remarks—that the silence of historical writers as to contemporary facts is but negative testimony, which by the rules of sound criticism can have but little weight when opposed to the positive authority of authentic and impartial historians: That Herrera deserves to be ranked in this honorable class, and by order of Philip II, had free access to the immense and valuable collection of documents contained in the archives of Simancas, an advantage which no contemporary or subsequent writer has enjoyed, it having been ever since jealously guarded as the repository of the

* '*Southey's Hist. of Brazil, vol. ii, p.* 689. *Note* 16.'

† '*Ensayo de la Historia Civil del Paraguay, Buenos Ayres y Tucuman, escrita por el Doctor D. Gregorio Funes, Dean de la Santa Iglesia Catedral de Cordova. Buenos Ayres*, 1817.'

‡ '*Ensayo Historico, tom.* ii, *p.* 177.'

secrets of the Spanish monarchy.* He confidently denies that Herrera can be justly accused of not having made a judicious and candid use of these precious materials, or that he was influenced by any unworthy prejudices against the character of Las Casas; since, according to the opinion of the times in which he lived, there was nothing criminal in the project of Las Cases, and neither Herrera nor Sepulveda could look forward so far beyond the feeble lights of their own age as to accuse Las Casas of inconsistency in wishing to preserve the Indian at the expense of the African race.†

'These reasons are certainly of sufficient force to compel the mind to pause before it yields to an impression, which, however benevolent and amiable in those by whom it is felt, and honorable to human nature itself, must be considered as of less importance than the permanent interests of historical truth. Though this momentary illusion may be dissipated, yet history does ample justice to the fame of Las Casas when it attributes the fatal error he committed to "the inconsistency natural to men who hurry with headlong impetuosity towards a favorite point." His heart was right;—and we have seen too many philanthropic designs pursued with an equal disregard to the justice or expediency of the means by which they were to be accomplished.'

Mr Wheaton has compressed into the last paragraph but one of the above extracts, the substance of a long note, in the third volume of Dean Funes' history, in which the latter attempts, with a good deal of animation, to refute the arguments of M. Lavessei, a traveller in South America, who, as it appears on the authority of bishop Grégoire, is also disposed to vindicate the character of Las Casas. The strength of the argument against Las Casas is of course the authority of Herrera, for, we believe, the subsequent writers add nothing to his testimony. Dean Funes and Mr Wheaton justly maintain the high general character of Herrera for authenticity, and the circumstance of his access to the royal archives of Simancas, an advantage enjoyed by no other historian, is fairly urged by Funes as adding great weight to his authority on any point, especially one of which the proofs can be supposed to have existed in those archives. We think also that caution should be had in following bishop Grégoire in his censure of this dis-

* 'Even Dr. Robertson, who received very liberal communications from other sources, was denied access to the *Archivo* of Simancas. See preface to the *Hist. of America, vol. i.*'

† '*Ensayo Historico, tom. iii, p.* 511. *Note* (a).'

tinguished historian. Not having the work of M. Grégoire at hand, we are unable to say what authority he produces for the assertion, that 'some of the best Spanish writers on American history consider him as a careless and inaccurate historian.' With regard to the hostility against Las Casas, which is alleged to have actuated Herrera, and with which M. Lavessei charges him, in agreement with M. Grégoire, dean Funes denies that the decads of Herrera authorize the charge, or that there is any reason to suppose that Herrera would have considered a participation in the slave trade as a reproach. This remark also may be extended to Sepulveda, on whose silence M. Grégoire is the more disposed to rely, from his known hostility to Las Casas. We venture to add, that one reason why no document was produced by Herrera, whose practice by the way is not to multiply diplomatic proofs of his statements, in confirmation of his assertion with respect to Las Casas, and, in general, one reason why little or nothing appears to have been said upon the subject by contemporary writers, may be, that the traffic itself was by no means so novel, as is sometimes thought. It is certainly a gross error to speak of Las Casas as the deviser and inventor of the slave trade. For though its origin is not free from doubts, it is generally agreed that as early as 1442 the Portuguese accepted some negroes of the Moors, in ransom for Moorish captives. And so rapidly did the contagion spread, that in a few years thirty-seven ships had been fitted out in this gainful traffic. In 1502 the Spaniards began to employ negro slaves in the mines of Hispaniola; and it was not till 1517, that Charles V, at the instance of Las Casas, as is alleged, granted his patent for the importation of four thousand slaves annually into Hispaniola, Cuba, Jamaica, and Porto Rico. Now it is clear, on the slightest reflection, that great importations must have been made and the trade well organized, both as respects the supply in Africa and the disposal of the slaves in the West Indies, before it could enter into the head of any one, to undertake such a large importation. We infer, from this consideration, that the public must have been already too familiar with this traffic, to make the participation of any individual in it a matter of wonder or reproach, and that it was owing merely to its historical connexion with the efforts of Las Casas for the relief of the Indians, that Herrera was led to mention this, as he would have done any other incident in his life, not as an accusation or a blot on his memo-

ry. This is confirmed by looking at the passage of Herrera himself. We believe it is not to be found in that judicious work, in which Capt. John Stevens, under the name of a translation, hath contrived to reduce four goodly folios of Spanish into six moderate sized octavos of English. It is as follows;—'The licentiate Bartholomew de Las Casas, seeing that his views met with difficulties on all sides, and that the opinions he cherished, notwithstanding the great familiarity he had attained and the credit he possessed with the high chancellor, could not take effect, turned his attention to other expedients, procuring a license to import negroes for the Spaniards in the Indies, in order that by them the labor of the Indians in the plantations and mines might be lightened, and that a good number of laborers should be engaged to go to the Indies, with certain privileges and on certain conditions fixed by him.'* We see nothing like an accusation made from hostile feelings here; on the contrary the procuring of slaves for the islands is mentioned by Herrera with as much *sang froid* and in the same sentence as the engaging laborers from Spain on a stipulated price. We have not, out of very many passages where this historian mentions Las Casas, fallen on one where he does it in an unfriendly manner. On the other hand, we have one beneath our eye at the moment where he calls him 'Autor de mucha fè.'† Upon the whole, we are disposed to suspend our opinion on the point: it may be that in these troublesome times the archives of Simancas will be disclosed, and new light shed upon these and many other interesting portions of history now in obscurity.

We are obliged to pass over Mr Wheaton's learned remarks on the Consolato del Mare, which we are the rather excused for doing, as we have already, at page 16 of this number of our journal, made an extract from a note to Mr Cushing's translation of Pothier's Maritime Contracts, where the same subject is ably investigated. After an account of the agency of Albericus Gentilis in building up the science of public law, Mr Wheaton dwells with an admiration, in which we fully sympathize, on the character of Grotius. His eulogium, however, is too long to extract, and too good to abridge, and we beg leave to refer our readers to it, in the discourse itself; which closes with a strain of judicious observation on the

* Herrera, dec. ii. lib. ii. cap. 20. † Decad. ii. lib. iii. cap. i.

followers of Grotius, and the modern doctrines of maritime war.

We hope Mr Wheaton will pardon us for the exception we feel obliged to take to the following passage, before closing this notice of his discourse.

'War cannot be entirely stripped of its concomitant evils without ceasing to be war, any more than punishment for crimes can be separated from pain, without ceasing to be punishment: and it is much to be feared from the past history of mankind, that war is an inevitable calamity, the recurrence of which at periodical, though uncertain intervals, no human foresight or exertions can prevent. War, with all its horrors, is the price which nations must occasionally pay for their freedom and independence —the only alternative opposed to degradation and ruin; but like other evils which beset the chequered life of man, it has its uses, and in the eternal order of things, seems as necessary to the moral, as are storms and tempests to the natural world. "The cloud-capt tower, the gorgeous palace"—may be laid in ruins, the valley inundated, and the oak rent from his native hills; but elasticity and health have been restored to a stagnant and pestilential atmosphere, and renovated nature goes on rejoicing in her course. It is in war that the greatest faculties of man have been developed, and his noblest virtues invigorated. It is war "that makes ambition virtue." The effeminate poet may prate of "Macedonia's madman," and the satirist of a degenerate age may jeer at the hero of Carthage, with his—*I demens et curre per Alpes*—but magnanimous enterprise, persevering valor, and noble achievement, have secured them a niche in the temple of fame; and the names of Alexander and of Hannibal continue, in spite of detraction, to command the admiration of mankind. If war in general be not unattended with good effects;—when waged in defence of freedom and independence, and in vindicating national rights from insult and rapacity—it is consecrated in the adoption; and prosecuted by a people true to themselves, will rarely fail of attaining its object. For though disasters may await, clouds and darkness overhang the prospect—its ultimate effect will be to revive those principles which cannot readily lose their force, to render man not only deserving, but capable of the enjoyment of those rights for which he has contended.'

We are disposed fully to concur with Mr Wheaton in the first part of his proposition, that 'war is a calamity, the recurrence of which no human foresight can prevent,' but we are unable to assent to the succeeding course of remark. The comparison of the great vices and crimes in the moral world

to the storms and tempests of the natural—though much too familiar to be excepted to, as a rhetorical illustration—appears to have no farther justice. The examples which Mr Wheaton has selected of military glory are—one of them at least—not well chosen to conciliate the indulgence of the moralist. Alexander was certainly, of all the renowned characters which war has signalized, one who had least pretence to plead for the miseries which he caused mankind. He appears to have been led on purely by the drunken ambition of a head-strong youth, who finds himself in unrestrained possession of prodigious means, and whom fortune favors in his first wild projects, till he thinks the world is too narrow a theatre, and kingdoms too mean an object, and the race of mankind too small a band of victims. A little more may be said for Hannibal, and less sympathy is felt for his enemies, than for the unoffending nations which the Macedonian phalanx hunted out in the distant regions of Asia. But these reflections are too trite to pursue. We wished to observe that the popular opinion of military glory, and the homage paid to military success, appear to us unreasonable and extravagant, and such as the philosophical censor, whatever his moral feelings be, cannot accord with. To make a consummate captain no doubt requires a rare combination of talents. It requires one equally rare to make a consummate artist or adept in any mystery or profession. But to make a general equal to most on the lists of military fame is the work of ordinary political coincidences. How many leaders, each competent to the conduct of war, did not the French revolution call up; nor has there been a war in Europe since the modern political system was organized, which has not had its perfect hero. The Roman history till the decline of the empire is still more full of them; and not one of the little states of Greece obtained a transitory political ascendency, but she was sure to produce her Philopœmen or her Epaminondas, and carry the arms of an insignificant town over all the country. We believe that as rare a gift of presence of mind, mixed with courage and deliberation, foresight for the future, and promptitude in the present moment, are required in a very difficult and perilous surgical operation, as in fighting a great battle, of which the fortune depends on a thousand chances and subordinate details, that occur and operate often without the knowledge, and generally without the control of the leader. In short, when you have trained a man, by a life spent in the

pursuit, to the mechanical coolness required, and placed him at the head of an hundred thousand men, with thirty thousand horse, and five hundred pieces of cannon, and made him able, by virtue of discipline and subordination, to put all this apparatus in motion upon any point, the wonder is rather that no more is done, than that so much is done. Were it not that such an army is weak in its very strength, and must be fed and lodged at immense cost and inconvenience, nothing in romance ought to be too arduous for it to effect.

But if the glory due to the successful wielding of this portentous enginery belong, not to the general who fights the battle, but the prince or minister who makes the war, then it will deserve to be considered, whether the history of modern or ancient administrations does not show that offensive war has always been entered into with as much levity of spirit as any trifling measure of legislation. A slight on a foreign minister, a punctilio about a title to a worthless island, an abstract theory of foreign politics, and more than all the intrigues of domestic politics, are the common springs of war in the cabinets of ministers and princes. There are some characters, it is true, in which the prince, minister, and captain are combined. Our generation has seen a memorable example of this. We would not for the honor of the age underrate him before whom the age did quake, but we think no one, who traces attentively the career of Bonaparte, will find much elevation of character in him, or much to excite a glow of enthusiasm at the power and resource which he disclosed.

It is not, however, necessary that we should enter formally into the discussion of this theme. It was treated somewhat at large in this journal, two or three years since, and we perceive no occasion to depart from the sentiments then expressed.* We place, moreover, quite too much reliance on the soundness of Mr Wheaton's political philosophy, to fear that we should materially differ from him in any practical questions which might arise in this connexion.

We have only therefore to renew our thanks to him, for finding time to favour the public with a performance so instructive and agreeable, in the intervals of leisure permitted by the active duties of a laborious profession.

* North American Review, vi. p. 25.

ART. IX.—*Storia della Guerra dell' Independenza degli Stati Uniti d' America scritta da Carlo Botta.* Parigi per D. Colas, 1809.

Histoire de la guerre de l'Indépendence des Etats Unis d' Amérique par M. Charles Botta, &c. traduite de l'Italien et précédée d'une introduction par M. L. De Sevelinges, ouvrage orné de plans et cartes géographiques. Paris, J. G. Dentu, 1812.

History of the war of the Independence of the United States of America, written by Charles Botta, translated from the Italian by George Alexander Otis. Philadelphia. 1820.

HISTORY, according to the ancients, is one of the muses, and it is her duty no less than that of the others to give pleasure while she gives instruction. The mere enumeration of important events, however correct and circumstantial, is not history, nor has the annalist, the chronologist, or the antiquary any claim to be called an historian. He, who aspires to this name, must not only state great achievements truly and particularly, display the characters and motives of those who performed them, and trace their consequences; he must arrange and connect the facts recorded by him, which are but the fragments of history, in such a manner that they may illustrate each other, and clothe them in a simple and dignified style, thus rendering them one uniform and beautiful whole. He must not only dare to utter no falsehood and fear to utter no truth, but must catch with the eye and describe with the pen of the poet those general features and striking peculiarities, which characterise and identify the scenes of his narrative or the actors in them; and recalling them, as it were, into existence, place them living and moving before us. Though perfectly impartial towards all persons, he is not to be indifferent to the moral qualities of actions or their influence on the happiness of men, nor to relate in one unvarying tone of apathy the triumph of justice, and that of guilt, the self-devotion of disinterested patriotism and the recklessness of ambition; but should appeal to the feelings as boldly, though not in the same manner, as the poet or the orator; and exhibit animated models of character and impressive lessons of conduct.

Such or nearly such was the model of historical excellence, which ancient critics recommended and ancient writers sought to attain; but in this department of literature, though some perhaps may think in this alone, the moderns have formed a

still higher idea of perfection than the ancients. All which the latter demanded is still required, at least in theory, and a new task is imposed. It is not enough to satisfy the critics of the present day that an historian should adhere strictly and fearlessly to the truth, should preserve the unity of his subject and the continuity of his narrative, should describe with fidelity and animation the scenes and the progress of events, display the motives and characters of his heroes, and exhibit and cherish a pure and lively moral taste ; all this may be done, and yet what is now deemed the most important duty of the historian be left undone. It is not enough that he should possess the excellences of the poet and the orator, he must add to them those of the philosopher and the political economist, he must show the pursuits, habits, ideas, and feelings of the mass of the people, their advances in civilization and refinement, the state of education, morals, and manners among them, that of their laws, finances, and commerce, their improvements in the arts and sciences, and in literature ; and the progress of public opinion on political subjects, with its influence on the form and administration of government and on domestic life ; and must make us acquainted with states and communities, rather than with singular and illustrious individuals. To this object the intermediate chapters of Hume are entirely devoted. Much information on these subjects is undoubtedly to be gathered from the ancient historians. The perfection of their narratives enables us to form some tolerably correct idea of the state of society among them, but they do not make it their chief study to display it, like many of the writers of history in our own times. Some of these writers on the other hand attach themselves too exclusively to this object; not that they ever give us too much knowledge on the subject, but too little of the facts from which that knowledge is deduced ; and in their fondness for generalizing defeat their own purpose, and become indefinite, where they would be comprehensive. Hence works have been given to the public under the name of histories, which contain no connected story whatever, and are at best no more than the reflections of their authors on reading history, speculations on the character of some particular people, illustrated by occasional statements of fact, and this too when the knowledge they are designed to convey would have been more clearly as well as more agreeably communicated by a simple narrative. If the ancients attached

too much importance to the brilliant achievements of their great men, it is as frequent an error among us to underrate the effect of single events on the situation of the community, and the influence of an individual upon his age. It has even been asserted that all periods are equally worthy of the labors of the philosophical historian, since the moral, physical, and intellectual condition of the mass of the people, in comparison with which the manœuvres of armies, the intrigues of cabinets, and the artifices of courtiers are unworthy of regard, may be as thoroughly investigated and as completely displayed in peaceful times, as amid wars and revolutions. But this is extravagant. Great changes, especially such as are brought about by human exertion, are often the origin, and still oftener the result of great mental excitement, and therefore the characters of individuals and of nations are more powerfully affected and more perfectly developed by them, than by their ordinary, peaceful, domestic pursuits. It is true indeed that though remarkable occurrences are the common indication, they are not the certain proof, still less the measure of the importance of any period as a subject of history; and that the comparative interest of human actions in the eye of the historian depends less on the difficulty of performing them, on the astonishment or applause, which they excite at the moment, or on the number of persons engaged in them, than on their ultimate effects. Imposing the nominal duty of a penny a pound on tea was no very illustrious achievement of the British parliament, and independently of its consequences would not deserve notice; but taken in connexion with them, it is a more important event in history than many a battle in which thousands have fallen, or many of the political intrigues by which thrones have been subverted.

Yet periods of great civil commotion, when a whole people are forced into immediate and intense action, when the foundations of society are shaken, and ancient political institutions overthrown, are objects of peculiar interest; and the events which immediately precede and prepare the way for such revolutions, and the operation of the secret causes, which ultimately produce and the consequences which follow them, are always worthy of our attention, and eminently so when they operate among ourselves. It is true that the history of the times nearest to our own, presenting habits and manners, with which we are familiar, and rejecting

those embellishments, which may be applied, at least with impunity, to that of a remote age, does not afford so much excitement or gratification to youthful curiosity, but it is more engaging as well as more useful to such as read with reference to their own condition, and feeling a concern in the realities of life, seek to apply their knowledge to some practical purpose.

It is equally true that it is difficult for a writer to appear impartial or to be so in relating occurrences, which have an immediate and conspicuous influence on himself and those around him; but it must be recollected on the other hand that he is more likely to be deceived and may more easily deceive others, with regard to circumstances of a distant date. Though we naturally distrust the judgment of those who publish accounts of recent events, we rely most confidently on their statements of important and notorious facts. The history of the last century, including an investigation of the first origin and silent progress of the feelings and opinions which have at length convulsed so many European nations, and whose operation is far from being ended, will long be a subject of great and increasing interest. Yet our language has produced no historical work relating to any part of that century, which will be preserved as a choice specimen of literature. On this topic, if America has done nothing, England has done no more. Both have accumulated abundant materials for such works. In both the freedom of the press has afforded opportunity, an opportunity, which has not been neglected, for the publication of authentic and unauthentic documents without number; and this circumstance renders it so much the more surprising that no writer in our language has made a successful attempt to combine these materials into a lasting monument of literary fame. There is, in our opinion, no event in the whole course of that century, which affords to the historian a more entertaining or instructive theme, or one whose effects seem likely to be more extensive and permanent, than the contest between Great Britain and her American colonies.

We think Mr Botta, therefore, very happy, if we ought not rather to say very wise, in the choice of his subject. The American revolution is an object of permanent and increasing interest in other countries as well as our own, not only because the unexampled rapidity with which this nation has advanced in population and wealth will render the occurrences of its early history attractive to statesmen in every age, but because

it was the first of that series of revolutions, which in the close of the last and beginning of the present century have shaken the very foundations of government throughout Europe and America. Not that we would compare with it those, by which it has been followed. It was as different from them in its origin and conduct, as in its event. But it had no small influence in producing them, for while the character and motives of those who accomplished it were, as they still are, little known among foreigners, its result was conspicuous, and appeared to those, who saw no more, to offer an example easily imitated. It derives an additional interest from its effects on the political ideas and feelings of men. It affords support to the theoretical principles on which republics are founded, gives the confidence of experience to those who maintain that it is practicable and useful as well as speculatively right for the citizens of a state, however extensive and populous, to exercise a direct control over their rulers, and a strong impulse to that desire of security, that restlessness under arbitrary power, which has long existed wherever the English language was spoken, and has lately found its way to the humblest and most ignorant classes on the continent of Europe; and which, feeble, unenlightened, and misguided as it now is there, is yet destined, if we are not mistaken in the signs of the times, to alter materially the whole structure of society among them.

But the historical interest of our revolution does not depend solely on the importance of its direct consequences and the extent of the political and moral changes, which it has tended at least to hasten. It will always command attention as a complete development of the temper, motives, and resources of a whole nation. It was not, like most wars, a contest between cabinets or armies, a mere trial of military or diplomatic skill, but the united effort of a people as individuals for the vindication of their rights. Nor was it a single burst of exasperated feeling, a short madness, one of those revolutions, in which men sometimes exhaust themselves by struggling to acquire a liberty, which they know not how to value or to maintain, and then fall back into the same condition as before; but a sober, deliberate, calculating resistance of oppression, adapting its means to its end, and pursuing that end through the greatest sacrifices of comfort and feeling. It does not indeed excite attention by accounts of very numerous armies or remarkably bloody battles, yet we do not therefore think, as some have

done, that it is deficient in interest; for the passions of the contest operated directly and intensely on every man, and war itself often found its way to the fireside and severed the strongest and tenderest ties; circumstances, which give the clearest insight into the temper and character of the people and make the most lively impression on the feelings. It is no less true in real than in fictitious narrative, that the most engaging and pathetic scenes are those, which exhibit the efforts and sufferings of individuals.

It has been said that the history of the American revolution, at least before the meeting of Congress, necessarily wants unity, as it is not an account of one nation, but of thirteen different states, among which the attention is distracted. But it seems to us that the unity of the subject is not diminished by this variety of agents, since their exertions were all directed to the same end. The establishment of so close an union among thirteen distinct, unconnected and in some instances jealous colonies, that it has lasted much longer than the particular danger which gave rise to it, is in itself a most interesting phenomenon, and the means, by which it was effected are well worthy of our study.

The simple fact that the revolution was accomplished within the limits of a single life, so that the same persons who began, lived to complete it and enjoy its result, adds another charm to its history; for in consequence of this, our interest in many of the individuals conspicuous at the beginning of the contest, never ceases, but is combined throughout with that which we feel in the event. Besides the freedom of debate and of the press not only excited and developed more perfectly the passions of those engaged in the controversy, but has provided better means of information than could have been obtained under any other circumstances. Add to all this, that Mr Botta may claim the authority of an almost contemporary historian, while as a foreigner he is exempted from the danger and even from the suspicion of partiality, to which contemporaries are commonly exposed.

He seems well aware of the advantages peculiar to his subject, especially of those, which tend to render his work attractive and entertaining, evidently choosing the ancient historians as his model, and endeavoring to instruct his readers by examples, to present a connected and winning narrative, more than to exhibit a view of the moral, intellectual, and political

condition of the people. He makes, indeed, some general reflections on the manners and pursuits of the colonists, but does not communicate any statistical details, and is by no means sufficiently particular in giving an account of the commerce of the colonies, and of the restraints imposed on it, restraints, which were the chief cause of complaint before the revolution, as our exemption from them has been of our subsequent prosperity. This writer possesses in a remarkable degree, what Rapin deems the most essential quality of an historian, the art of telling a story, by which we mean, and so probably did the learned critic, not the art of relating a single anecdote, but that of making his whole work one continuous and complete narrative, the several parts of which, though various, are connected by natural and agreeable transitions, are duly proportioned to each other, and each in its place.

It has been objected, but we think incorrectly, that the relation in this work of the battles, which took place in the West Indies and in Europe, is irrelevant to the American revolution, and violates the unity of the narrative. They were contests between the allies and the enemies of the United States, and had each its influence in hastening or retarding the termination of hostilities and the acknowledgment of our independence. They are described too with all due brevity and with great accuracy and spirit, and appear to us to add not a little to the interest of the story. The bloody and fruitless conflicts of those immense fleets and armies, collected and equipped at the expense of millions, by rival nations, with no other motive than their mutual desire of subjecting each other to the humiliation of defeat, form a striking contrast with the struggles of the colonists, who, destitute of wealth, of arms, of every thing but a bare subsistence, engaged in war from the highest motives, and brought about such important results, as will render their skirmishes, inconsiderable as they seemed at the time in comparison with the battles of the European powers, far more conspicuous in history.

Our author's sketches of the characters of individuals are in the main just, but want that discriminating minuteness, which distinguishes his descriptions of scenery and events. In many of the latter he is singularly happy. His description of Boston gives as distinct an idea of the town and its vicinity as a map; and that of the situation and siege of Gibraltar is a complete and glowing picture. He evinces much discretion

and good taste in adapting the length and particularity of different parts of his history to the interest of the subjects to which they relate, rapidly glancing over those events, which, however talked of when they happened, do not fix our attention by the importance of their consequences, or afford an opportunity for delighting his readers by beautiful and poetical description.

The candor and impartiality displayed throughout this history are a great excellence in the work, though considering the situation of the author, it may be thought less meritorious in him to possess, than it would have been disgraceful to want them. His diligence in consulting the best sources of information within his reach, and the accuracy which, in general, results from it, are still more worthy of praise and not less important. We would not be understood to say that his statements of fact are never erroneous. In his account of the battle of Breed's hill he conveys the idea that the Americans remained there two nights; for he says that the Americans continued to work the whole day after they took possession of the heights with unshaken constancy, and towards night had much advanced a trench, which descended towards Mystic river; that the English then took the resolution to attack them, and that on the seventeenth of June in pursuance of this resolution the British camp was in motion between twelve and one clock. He mentions also the grateful liberality of the state, in extending every mark of kindness and protection to the children of General Montgomery. Now unluckily the general never had any children. These mistakes of fact are of little importance, and we believe that even of such as these the work contains a far smaller number than might be expected from the minuteness with which circumstances are often detailed in it, and the difficulty of obtaining correct information with regard to our history on the continent of Europe. But few as they are, it would have been convenient to the American reader, if the translator had corrected them in his notes.

Mr Botta thinks himself at liberty to deviate from the exact truth in recording public speeches. For this he has the example of ancient writers, but it is not admissible according to the rules of modern criticism. An author may insert in his history any speech actually made, or an extract from it, or its substance expressed in his own words, giving his readers to un-

derstand which of these he has undertaken to do, but ought not to ascribe to any individual arguments not his own. The following is the notice of the author in relation to this subject.

'There will be found, in the course of this history, several discourses of a certain length. Those I have put in the mouth of the different speakers have really been pronounced by them, and upon those very occasions which are treated of in the work. I should, however, mention that I have sometimes made a single orator say what has been said in substance by others of the same party. Sometimes, also, but rarely, using the liberty granted in all times to historians, I have ventured to add a small number of phrases, which appeared to me to coincide perfectly with the sense of the orator, and proper to enforce his opinion: this has happened especially in the two discourses pronounced before Congress, for and against independence, by Richard Henry Lee, and John Dickinson.

'It will not escape attentive readers, that in some of these discourses are found predictions which time has accomplished. I affirm that these remarkable passages belong entirely to the authors cited. In order that these might not resemble those of the poets, always made after the fact, I have been so scrupulous as to translate them, word for word, from the original language.' p. ix.

Now, in our opinion, whenever he professes to repeat the words of another he ought to translate them, if not literally, at least fairly, preserving substantially the ideas and arrangement of the original. And we must say further, that the liberties he has taken are, in some instances, greater than this notice would lead us to suppose. Many of the discourses introduced are indeed translated into Italian with sufficient fidelity, or at least not very materially altered, but some are very different from the speeches actually made, as that of Captain Harvey in answer to Wilkes; and as to those of Lee and Dickinson, we believe them to be mere fictions, the former too an unskilful fiction, not appropriate to the individual in whose mouth it is put, and tending to misrepresent his style of oratory, rather than to illustrate it.

The moral and political reflections of this writer are generally ingenious and pertinent, though they sometimes betray too much subtlety and refinement of thought. The designs and intrigues of the various courts of Europe, the motives of France and Spain for aiding the Americans to carry on the war, yet attempting to prevent the establishment of their inde-

pendence and impede their prosperity, are accurately and fairly stated by this writer; but in some of his remarks on the intentions and conduct of the colonists before the declaration of independence, he shows a want of acquaintance with their manners and feelings, which, however natural and pardonable it may be in him, is injurious to his work. He seems to admit the pretensions of some of the ministerial writers of that day, that our ancestors owed no little gratitude to the British government for being treated with less severity than the colonists of other European nations. It is certain that British subjects, whether inhabitants of England or of the colonies, were not so much exposed to the caprices of arbitrary power as the subjects of the continental sovereigns. This arose, however, not from any singular tenderness or indulgence in their rulers, which might entitle them to lay claim to the gratitude of the people, but from the temper of the people themselves, who would not endure oppression, and understood that their rights were not a grant from the crown, but the power of the crown a grant from them.

Speaking of the acquittal of Captain Preston and his soldiers, tried at Boston in 1770, the author says, it was 'a thing truly remarkable, that in the midst of such a commotion, and at a moment when the effervescence of minds was so extreme, this judgment so little conformable to the wishes of the multitude, should have been pronounced. So admirable were the judicial regulations established in these countries, and so firm was the resolution of the judges to obey the law in defiance of all influence whatsoever.' p. 162. It would be no wonder that the acquittal of these men should be desired by the judges, since they had been nominated by governors appointed by the king; but the fact is, that they were acquitted by the jury, by twelve men chosen by lot from the county in which the massacre, as it is called, took place, a fact far more honorable to the people than the statement of Botta.

We find in the work before us repeated suggestions, that if this or that circumstance had occurred, if the stamp act had been carried into immediate execution—if the ministry had placed less reliance on the divisions of the colonists—if America had received no aid from Europe—if Burgoyne had effected a junction with Howe—if Howe had attacked the army of Congress—if the treasonable project of Arnold had succeeded—or if Admiral Rodney had remained in America; the

result of the contest would have been different; as if the independence of the colonists were produced by a series of happy accidents, and not by their own resolution and perseverance. These suggestions, whatever dramatic effect they may give to the work, by representing the Americans to be always in imminent danger, are entirely unfounded. Either of these events or many others might have prolonged the war, and aggravated very greatly the labors and privations of the people, but no event in the ordinary course of nature, nothing short of the annihilation of their physical strength, could have reduced them to submission. Their resistance must at least have been successful, because they would not yield.

We do not mean to attach too much consequence to the errors just mentioned, but there is one pervading almost the whole of the first volume, which seems to us so important in relation to the character of our ancestors, that we must ask the indulgence of our readers, while we examine it somewhat minutely. It is a total, though undoubtedly an innocent misrepresentation of the sentiments entertained by the colonists towards Great Britain before the revolution.

In the very beginning of the work we find among others the following remarks:

'The love of the sovereign and their ancient country, which the first colonists might have retained in their new establishment, gradually diminished in the hearts of their descendants as successive generations removed them further from their original stock, and when the revolution commenced, of which we purpose to write the history, the inhabitants of the English colonies were, in general, but the third, fourth, and even the fifth generation from the original colonists, who had left England to establish themselves in the new regions of America. At such a distance the feelings of consanguinity became feeble or extinct; and the remembrance of their ancestors lived more in their memories than in their hearts. The greater part of the colonists had heard nothing of Great Britain, excepting that it was a distant kingdom from which their ancestors had been barbarously expelled or hunted away, as they had been forced to take refuge in the deserts and forests of America inhabited only by savage men, and prowling beasts or venomous and horrible serpents. The distance of government diminishes its force; either because in the absence of the splendor and magnificence of the throne, men yield obedience only to its power, unsupported by the influence of illusion and respect, or because the agents of authority in distant countries, exercising a larger discretion in the execution of the laws, inspire

the people governed with greater hope of being able to escape their restraints.'—'It follows of necessity that as the means of restraint became almost illusory in the hands of the government, there must have arisen and gradually increased in the minds of the Americans the hope, and with it the desire to shake off the yoke of English superiority.' p. 10—12.

In regard to their sentiments in 1763, it is said, that

'Already those who were the most zealous for liberty, or the most ambitious, had formed in the secret of their hearts the resolution to shake off the yoke of England, whenever a favorable occasion should present.'—'That in the late war great numbers of the colonists had renounced the arts of peace, and assuming the sword instead of the spade, had learned the exercise of arms, inured their bodies to military fatigues, and their minds to the dangers of battle; they had, in a word, lost all the habits of agriculture and of commerce, and acquired those of the military profession. The being that has the consciousness of his force, becomes doubly strong, and the yoke he feels in a condition to break, is borne with difficulty; thus the skill recently acquired in the use of arms, become general among the Americans, rendered obedience infinitely more intolerable to them.'—'The greater number, however, satisfied with the ancient terms of connexion with England, were reluctant to dissolve it, provided she would abandon all idea of ulterior usurpations. Even the most intrepid in the defence of their privileges, could not endure the thought of renouncing every species of dependence on their legitimate sovereign. This project they condemned the more decidedly, as they perceived that in its execution they must not only encounter all the forces of England, by so many victories become formidable to the universe, but also must resort to the assistance of a nation, in language, manners, and customs, so different from themselves; of a nation they had so long been accustomed to hate, and to combat under the banners of their mother country.' pp. 32—34.

Again referring to the year 1768 we find the following passage.

'The legislative power of the parliament over the colonies was not made the subject of doubt, but denied. Adopting the opinion of those, who in the two houses had opposed the repeal of the stamp act, the patriots affirmed that all distinction between internal and external taxes was chimerical, and that parliament had no right to impose the one or the other; that it had no power to make laws to bind the colonies; and, finally, they went so far as to maintain, that not being represented in parliament, they were exempted from every sort of dependence towards it.

'The rights which the colonists pretended to enjoy, were explained with great perspicuity, and a certain elegance of style, in pamphlet entitled, *Letters from a Pennsylvania Farmer, to the inhabitants of the English colonies.* They were received with great and universal favor: the author was John Dickenson.' p. 145.

Speaking of the American Congress in 1774, he says,

'The colonists looked upon it as a convention of men who, in some mode or other, were to deliver their country from the perils that menaced it. The greater part believed that their ability, their prudence, and their immense influence with the people, would enable them to obtain from the government the removal of the evils that oppressed them, and the reestablishment of the ancient order of things. Some others cherished the belief, that they would find means to conduct the American nation to that independence, which was the first and most ardent of their aspirations, or rather the sole object of that intense passion which stung and tormented them, night and day.' p. 199.

And afterwards in relation to the same body.

'And as those who are inclined to war, generally affect the most earnest desire of peace, congress addressed a letter to general Gage, praying him to put a stop to the hostile preparations, which might provoke a pacific people to have recourse to arms, and thus prevent the endeavours of the congress to restore a good understanding with the parent state, and involve the nation in all the horrors of a civil war.' p. 206.

And further on their adjournment.

'No one will deny, that this assembly knew how to appreciate the circumstances of the time, and demonstrated a rare sagacity, in leading them to cooperate in their designs. They not only found means to invigorate the opinions which then prevailed in America, but also to diffuse and propagate them surprisingly; applauding the ardent, stimulating the torpid, and conciliating the adverse. They were lavish in protestations of loyalty to the king; which could not fail to answer the end they proposed,—that of finding a pretext and excuse for ulterior resolutions, in case their remonstrances should prove ineffectual. With the same apt policy, they flattered the pride of the British nation, with the view of engaging it to favor their cause. They manifested equal dexterity, in fomenting the political opinions that were beginning to prevail in this century. Originating at first in England, they had been diffused, by degrees, among the neighbouring nations, and particularly in France, where they had been intro-

duced, and defended with a fascinating eloquence, by the most celebrated writers of that period. Accordingly, in every place and circle, the Americans, and especially the members of congress, were considered as the generous champions of these favorite principles; for, as to the object they had in view, there no longer existed a doubt. Though it was possible, however, to excuse, and even applaud this resolution of the Americans to defend, by force of arms, the rights for which they contended, it was difficult, it must be acknowledged, to reconcile with the loyalty they so frequently professed, their insinuating writings to draw into their confederacy other subjects of the crown of England, as the Canadians, for example, who had not, or who made no pretensions to have the same rights. But, in affairs of state, utility is often mistaken for justice: and, in truth, no event could have happened more useful to the colonists than the adhesion of the Canadians to their cause.' p. 220, 221.

On the subject of the appointment of a commander in chief, he says of Putnam and Ward, 'both had declared themselves too openly in favor of independence; the Congress desired indeed to procure it but withal in a propitious time.' p. 314; and of Washington:

'It was generally thought, that he did not aim at independence, but merely desired an honorable arrangement with England. This opinion of his well corresponded with the intentions of the principal representatives, who had no objection to advancing towards independence, but were not yet prepared to discover themselves. They expected to be able so to manage affairs, that one day this great measure would become a necessity, and that Washington himself, when he should have got warm in the career, would easily allow himself to be induced, by the honor of rank, the force of things, or the voice of glory, to proceed with a firm step, even though instead of the revocation of the oppressive laws, the object of his efforts should become total independence.' pp. 316, 317.

Of the address of Congress to the inhabitants of Ireland in 1775, he remarks,

'They were not ignorant, besides, that the Irish were, for many reasons, dissatisfied with the English government, and that, notwithstanding the concessions which had recently been made them, no little animosity still rankled in their minds. The Congress purposed to avail themselves of this misunderstanding, and to irritate the wounds already festering in the breast of the Irish. It would be difficult to prove this conduct strictly consistent with loyalty. But the war was now commenced, and the Americans

were disposed to use all means to carry it on with advantage; and none are more sanctioned by usage, than those of feigning to desire peace, and of exciting and exasperating the minds of the enemy's subjects, against lawful authority. To this intent, the Congress addressed a very eloquent letter to the Irish people.' pp. 341, 342.

After giving an account of the rejection of lord North's conciliation act, the writer adds,

'Such were the conclusions of the Congress, relative to the resolution of adjustment of lord North: they caused them to be published, and distributed in all places. No one can observe the acrimonious style, and the new pretensions of the Americans, without perceiving how little they were inclined to concord.' p. 353.

'The people suffer themselves too often to be guided by vain fears, or by vain hopes; and, at this epoch, the greater part of the colonists still flattered themselves with the possibility of returning, some day or other, upon honorable terms, to their ancient footing with Great Britain. It was, indeed, quite evident, to what object the Congress was tending. It was therefore manifest, that while the two parties protested their desire to meet each other, they were both exerting all their efforts to render it impossible. It was no less evident, that when in parliament the adversaries of the ministers proposed concessions and terms of arrangement, it was with reason the latter rejected them, saying, that all these conciliatory measures would not only be useless, but even detrimental, because they would encourage the colonists to new demands, less admissible still. If the ministers themselves proposed, afterwards, and carried an act of conciliation, it was only a pretext to divide, and not to reunite. They were therefore in the right, when they resolved to continue the war at all hazards: but they were in the wrong, not to carry it on with sufficient means.' pp. 358, 359.

Having stated the departure of the royal governors from the several provinces, he proceeds as follows:

'Thus ceased, as we have related, the royal authority in the different provinces. It was replaced, progressively, by that of the people; that is, by the Congresses or conventions extraordinary, that were formed in each colony. But this was deemed insufficient, by those who directed the affairs of America. Their real object being independence, and the present state of things, as irregular and precarious by its very nature, leaving a way open of arrangment with England, and of return to the ancient connexion and dependence, they desired that such a system should be established in each province as should have the appearance of

a permanent constitution, in order to satisfy the world that the Americans were capable of governing themselves by their own laws. But the chiefs of the popular party had many difficulties to surmount in the execution of this design, notwithstanding the ardor which manifested itself in all parts to second their operations. The greater number approved resistance, but were opposed to independence, or at least shuddered at the idea of openly asserting it. For this reason, those who had the supreme direction of affairs, fearful of injuring their cause by too much precipitation, resolved to proceed with extreme circumspection; and marched to their object, always protesting that their efforts were aimed in quite another direction.' pp. 388, 389.

Of the expedition against Quebec.

'This was no longer an adhering to the defensive, but, on the contrary, a proceeding the most offensive, against a prince to whom fidelity was still protested, even carrying arms into one of his provinces, which had in no shape demanded the succors it was pretended to offer it. This was not merely exciting peaceable and uncomplaining subjects to revolt against their lawful sovereign, but also violently occupying their country, and dragging them by force into sedition.

Was it not to be feared, that an enterprise so audacious would discover too openly the intentions of the general Congress; and that then, those of the colonists who combatted with sincerity to obtain the revocation of the oppressive laws, at the same time abhorring the idea of a total separation, and even desiring to resume their former relations with Great Britain, would immediately abandon a cause which would no longer be theirs? pp. 403, 404.

Our readers would hardly pardon us, if we should enter into a labored argument to show that the war of 1756 had not rendered any considerable portion of the colonists a military people, or that on the close of that war it did not enter into the imagination of any one among them that, in case of a future controversy with the parliament, they might seek aid from the French; a people whom at that time they hated and despised no less heartily than the most prejudiced and jealous of their fellow subjects in Great Britain. Nor is it necessary to occupy much time in proving, that if the Farmer's Letters by Dickinson explained the pretensions of the colonists correctly, as is here stated, then they made no pretension to be exempt from the control of parliament, for those letters, while they utterly deny the power of that body to impose on the colonies any taxes or duties whatever, for the purpose of revenue, do

not once call in question its right to legislate on all other subjects, and expressly and repeatedly admit its authority to prohibit or restrain any branch of trade or manufactures, and to enforce rigorously that scheme of oppression, called the colonial system.

The passages above cited are in other respects not quite consistent, but on the whole they represent the colonies as desirous to shake off the British yoke long before the revolution, and Congress as secretly urging on the people to war, under pretence of wishing for peace, and dragging Washington into the support of measures, which he did not anticipate nor approve. Now all this is erroneous. There never was a more loyal people than the colonists in the middle of the eighteenth century. The distance of the throne was so far from diminishing their respect for it, that it seemed, by rendering it inaccessible to them, to cast round it an additional majesty. They venerated and loved the name of England, familiarly applying to it the endearing appellation of *home;* so that if a native of America, whose ancestors had resided here for many generations, expressed an intention to go home, he meant that he was going to the mother country, as they delighted to call it. The few, who had fought under the British standard in Canada, instead of being more impatient of their dependence on Great Britain, had acquired a sort of personal interest in her glory, and regarded their former brethren in arms with that attachment, which we always feel towards those, with whom we have shared the most intense feelings, and whose companions we have been in labor, suffering, and success. The Congress represented faithfully the sentiments of the people, and Washington, though originally as averse from independence as the great body of his fellow-citizens, was not more so.

One probable source of these errors is the desire of Mr Botta to appear perfectly impartial, which may have induced him to admit the assertions both of the English and Americans with regard to the designs of the latter, even at the hazard of a little inconsistency. The ministerial party industriously circulated the opinion, that the colonists would not be satisfied, though all their demands should be granted, and that their secret, constant, and only aim was independence; and this they did in order to diminish the popularity of the American cause in England, to weaken the opposition in parliament, and unite the nation in support of their meas-

ures. But their assertions were uniformly and strenuously denied by the Americans. Doctor Franklin, who had the best possible means of learning the temper of all classes of men in the colonies, and who did not want sagacity to penetrate their wishes and designs, relates that lord Chatham, in August 1774, remarked to him that an opinion prevailed in England that America aimed at setting up for itself as an independent state, and adds, 'I assured him that having more than once travelled almost from one end of the continent to the other, and kept a great variety of company, eating, drinking, and conversing with them freely, I never had heard in any conversation from any person, drunk or sober, the least expression of a wish for separation, or a hint that such a thing would be advantageous to America.' In addition to this authority we refer to the addresses and petitions of the Congress in 1774 and 1775, which contain the strongest protestations that they had no desire of independence, and claimed only to be restored to the enjoyment of the rights which they had formerly exercised.

No just suspicion is cast on their sincerity by their addresses to the inhabitants of England, Ireland, and Canada, for having engaged in opposition to the ministry, it was their obvious policy to win over as many as they could to their own party, to gain if possible an ascendancy in parliament, to array the nation against the ministers, and thus compel them to abandon their measures or to resign their places. With regard to lord North's conciliation act, they must have been blind indeed to be entrapped by so gross an artifice. They claimed to be exempt from all taxes imposed for the purpose of revenue, excepting such as should be laid by their colonial assemblies, and his lordship proposed in effect that the ministry should determine the amount which each colony should pay, and that its own assembly might then pass such laws as were necessary for levying the sum, as if taxation consisted not in imposing the burden, but in apportioning it. How can the rejection of this offer be called rejecting conciliation? It was an offer to yield the form, if they would give up the substance; it was pronouncing the sentence and allowing the criminals to choose the mode of execution. The invasion of Canada was undertaken in pursuance of open hostilities already commenced by the British; and it is a subtlety invented since the plain days of our fathers to call every attack on a

declared enemy offensive, and to make defensive war consist in avoiding blows without ever attempting to strike one, according to which interpretation the only legitimate mode of defence is to stand still and be beaten, or to run away.

It may be urged that the conduct of the colonists for some years before the declaration of independence, was such as necessarily tended to bring about a separation from Great Britain, and must therefore have been designed for this purpose; or at least that they could not be so blind as not to perceive that this would be its sure result in the end. But we must recollect that few see clearly where their own interests are involved, and that we are often insensible to the natural and direct effects of our conduct, especially when they are such as we dislike to contemplate. And besides, it may be that it was not they who were blind, but we who are presumptuous. Speculative men are too apt to ascribe every accident to some design, and to judge of the motives of others not by their actions themselves, but by the remote consequences of them, to fancy that they discern some close and necessary connexion between every great change and the occurrences which preceded it, and to flatter themselves that if they had witnessed these, they should have foreseen their result. It is easy to prophecy after the event; but we should like to see these acute philosophers, who discern so clearly the necessary connexion of the present with the past, point out a little more confidently and precisely than they commonly undertake to do, the direct and necessary consequences of the present. Whatever may be thought of the tendency of the conduct of the colonists between 1763 and 1775 to bring about a separation from Great Britain, such was not their design; and he would have been thought little less than a madman, who should seriously have asserted during that period that they would ever consent to renounce the British name. The tendency of the conduct of the ministry and parliament was the same, yet no such design is attributed to them.

This error with regard to the sentiments existing in America at that time, seems lately to have found some countenance among ourselves. When told to seek in the early history of our country the causes of its independence, some men expect to find the desire of it springing up among the first colonists, and increasing in each successive generation. But for this they will seek in vain; though we may undoubtedly look back

to the settlement of the country, and further still, back to the reformation, for the origin and growth of those principles and feelings, which rendered the colonists so jealous of their rights and particularly of that of taxing themselves, that when it came at last to the alternative, they did not hesitate to prefer these rights even to their allegiance, dear to them as it was ; and having made this determination, persisted in maintaining it through dangers, toils, and privations almost without example. Perhaps this error may have been encouraged also by an idea, that since the effects of our revolution have been so glorious and beneficial, it is honorable to our ancestors to assume that they anticipated those effects, and designed from the first to declare America independent in order to produce them. But no one intimately acquainted with their conduct and motives, can suppose that it adds any thing to their just praise thus to ascribe to them the gift of prophecy. Had they foreseen this rapid and astonishing prosperity, the splendor and durability of their own fame, the advantages which the revolution would yield to themselves, and those which it would confer on their children and their country, they would have exhibited no very singular merit in embracing the alternative which they chose. After the die was cast, they endeavoured very naturally to alleviate their immediate distress by indulging what were then deemed extravagant hopes of the future, but even then it never entered the wildest of their dreams, that those of them, who should live longest, or their children would look round on such a scene as more than one of the chief among them now beholds. They saw directly before and all about them difficulty, peril, and distress ; and this very independence, through which they were compelled to pass in order to obtain security, was in their opinion by no means the least of the evils they had to encounter. Yet painful as the step was, they rejoiced when it was taken, because they were by that time persuaded that it was the only means of preserving their liberty, which they valued still more highly than their allegiance. There is no doubt that individuals had different opinions with regard to the time when they should renounce their allegiance, and that a great majority in congress were ready for the measure some months before all the colonies were willing to adopt it :—not that they felt the pain of the sacrifice less, but that they saw its necessity more, and were sooner convinced that they had no other alternative than independence or subjection.

We know not how to put any construction on the addresses and petition of Congress in 1774, consistent with the opinion, that the members of that body then designed to separate the colonies from Great Britain, or believed that their constituents did so, without casting a stain on their character, which no success can wipe away; for they repeat the most solemn asseverations, that they have no other intention or desire than to be restored to the condition in which they were before the year 1763. Were they sincere in this language, or was it, as Mr Botta fancies, a mere cloak for very different designs, calculated to deceive the ministry and ensnare their fellow-citizens? If it were so, then their addresses and petition were not as Chatham called them in the house of lords, models of moderation and dignity, worthy of Thucydides and equal to the productions of the master states of the world, but the paltry artifices of fear and cunning, and instead of swelling with honest pride whenever they are mentioned, we ought to shut our mouths and hide our faces.

The assertion, that Washington had much stronger objections to independence than his countrymen in general, rests also on English authority. In the year 1777 it was thought that it would serve the cause of parliament to circulate the opinion, that the inclinations of the American commander were at war with his duty; and for this purpose certain letters were written and published in England in his name, expressing the strongest disapprobation of the conduct of Congress in declaring independence, the utmost despair of success, and an anxious wish to resign his office. The impression produced by these letters among the uninformed in Great Britain, seems to have outlasted the belief that they were genuine; at least many affected to think that they represented his sentiments truly, long after being compelled to admit that they were forgeries.

In the composition of his work Mr Botta avowedly attempts to revive the style of the classical age of Italian literature, and this attempt is approved by some of his countrymen, as tending to restore the perfection and purity of the language; while others object that it occasions the introduction of many expressions, which, however simple and natural they may once have been, wear at this time an appearance of quaintness and affectation. Undoubtedly in style as in manners, every appearance of study is a defect; but it belongs to Italians to decide how far that defect exists in the work before us. A foreigner,

who derives his knowledge of their language from books, is commonly as familiar with the early Italian writers as with those of the present day, and is therefore less struck with the obsoleteness of the ancient idiom than a native of the country. It needs no nice acquaintance with Italian, however, to enable us to perceive the harmony, copiousness, and variety of Mr Botta's style, or to authorize us to condemn his frequent use of trite and popular maxims. They may be energetic, for none but energetic expressions are likely to become proverbial, but they have an air of vulgarity, for which, in such a work as this, their energy does not compensate.

It is our duty to say something of the translations, the titles of which are prefixed to this article. M. de Sevelinges takes unwarrantable liberties, frequently omitting whole sentences of the original without any other motive, that we can perceive, than to save himself the trouble of translating them. We have not, however, observed the omission of any important fact. How far this gentleman is qualified to judge of the correctness of Mr Botta's remarks, and of the propriety of omitting any of them, even if such a privilege were allowed to a translator, may be learned from his preface, in which he undertakes to communicate the most important information, hitherto a secret, derived, as he tells us, from an actor in the scene equally respectable for his knowledge and integrity, and supported by documents of unquestionable authority. The main object of this preface is to explain minutely the attempts of the English to induce Spain to become a mediator between them and their colonies; whereas in truth the English never made any such attempt, but the French government, with a view to drag Spain into the war, persuaded the Spanish court to offer its mediation to Great Britain, by whom it was promptly and pertinaciously rejected. Another most important secret, never known to the world till it was published by M. de Sevelinges, in his preface, is, that in America in 1778, 'the English faction of tories still existed and derived great power from the reputation of its leaders, who were,' as he informs us, '*Samuel Adams* and *Richard Lee*.'—'Its intrigues constantly embarrassed the deliberations of Congress, and the greatest prudence and activity were requisite to prevent the dissolution of that body and the triumph of the partisans of England.' We know not what to say to such effrontery as this, and shall only add, that the style of M. de Sevelinges is extremely careless and inaccurate.

Our countryman, Mr Otis, deserves the credit of being much more faithful. We can impute to him no wilful or presumptuous deviation from his text, but he is sometimes misled by the French translator. We do not mean to say that he merely translates the translation, for there are instances in which he conforms to the original, where M. de Sevelinges has departed from it; but there are others in which he evidently translates from the French, without consulting the Italian. In speaking of the vehemence of the British minister in Holland, Sir Joseph Yorke, when he discovered that a treaty had been made between the Dutch and Americans; Mr Otis has it, 'M. Yorke exploded violently at the Hague.' Surely the origin of this phrase is not the Italian, 'tosto Jorcke ne levò all' Aja un grandissimo romore;' but the French, 'M. Yorke éclata violemment à la Haye.' We find in this translation the following sentence, relating to the admiration with which Doctor Franklin was received in Paris; 'in all places the portraits of Franklin were exhibited; they represented him with a venerable countenance and dressed as usual, in rather a singular costume, *the more to attract attention.*' This last trait is not to be found in the Italian, but is introduced by M. de Sevelinges. It is neither honorable to Doctor Franklin, nor just to represent him as walking about in a singular dress, like Rousseau in his Armenian habit, for no other purpose than to attract the attention of the gazers of Paris. The following passage in the close of Mr Botta's work is omitted by both translators.

'The confederations, which are formed by several powerful nations against a single one, on account of some reform that it chooses to make in the structure of its government, and which threaten not only to defeat its object, but to deprive it of freedom and independence, generally induce its rulers to renounce every thing like prudence and moderation, and to resort to the most violent and extraordinary measures, which soon exhaust the resources of the country and excite discontent among its inhabitants; till oppressed and harassed in every form, by the officers of government, they are driven at last into civil commotions, in which the strength of the community is wasted. And besides, these violent measures so disgust the people with the whole undertaking, that, confounding the abuse of a thing with the use of it, they choose rather to retreat to the point from which they set out, or even further back, than to continue their progress towards the object originally proposed. Hence it is, that, if that object were liberty,

they afterwards rush into despotism, preferring the tyranny of one to that of many.' vol. iv, p. 464.

We can readily imagine that the censors of the press under Napoleon would prohibit the publication of these sentiments at Paris in French, even though they permitted them to be printed there in Italian, but no such reason exists for their omission in an American translation. This translation contains several expressions not admissible in our language, some of them apparently derived from M. de Sevelinges; thus we find 'ways of fact,' 'half portice,' 'the fiscal,' 'debonnaire,' and Arnold's soldiers in the expedition to Quebec are said in both translations, though not in the original, to have 'scaled mountains perpendicular.' The authority of the dictionary is not sufficient to justify the use of such terms as 'collectitious soldiery,' 'vortical gusts,' and 'belluine executors of the king's will.' These things are mentioned in order that they may be corrected in another edition. We are duly sensible of our obligation to Mr Otis, for making this history accessible to us in our own language, not only on account of its intrinsic merit, but because it gratifies our rational curiosity to learn what sentiments are entertained towards us by those foreigners, who look on our country with a candid and even a favorable eye. We believe such men to be more numerous and more respectable in every European nation, than those who delight to dwell on our faults and follies.

Perhaps the most effectual and most agreeable mode of giving our readers an idea of the translator's style will be to make a few extracts from the work, and we shall select passages, which may show at the same time Mr Botta's talent for description, though we must choose not the best, but such as can be included within the limits assigned to this article. The sea fight between Paul Jones and Captain Pearson in 1779 is described with great spirit.

'Paul Jones, a Scotchman by birth, but engaged in the service of the United States, had established his cruise at first in the seas of Ireland, and afterwards in those of Scotland, where he was waiting for an opportunity to make some prize, or, according to his practice, to land upon some point of the coast in order to sack the country. His flotilla was composed of the Bonhomme Richard of forty guns, the Alliance of thirty-six, both American ships; the Pallas, a French frigate of thirty-two, in the pay of Congress, with two other smaller vessels. He fell in with a British merchant

fleet, on its return from the Baltic, convoyed by captain Pearson, with the frigate Serapis, of forty-four guns, and the Countess of Scarborough, of twenty.

'Pearson had no sooner perceived Jones, than he bore down to engage him, while the merchantmen endeavored to gain the coast. The American flotilla formed to receive him. The two enemies joined battle at about seven in the evening, with great resolution, and the conflict was supported on both sides with equal valor. The Serapis had the advantage of metal and manœuvre; to obviate which, Jones took the resolution to fight her closer. He advanced till the two frigates were engaged yard to yard, and their sides so near that the muzzles of their guns came in contact. In this position they continued to fight from eight in the evening till ten, with an audacity bordering on frenzy. But the artillery of the Americans was no longer capable of producing much effect. The Richard having received several heavy shot between wind and water, could now make no use whatever of her lower batteries, and two or three of her upper guns had burst, to the destruction of those who served them. Jones, at length, had only three left that could be worked, and he employed them against the masts of the hostile frigate. Seeing the little impression made by chain-shot, he resorted to another mode of attack. He threw a vast quantity of grenades and fire-works on board the British frigate. But his own now admitted the water on all sides, and threatened every moment to go to the bottom. Some of his officers having perceived it, asked him if he would surrender? "No," he answered them in a tremendous tone, and continued to push the grenades. The Serapis was already on fire in several places; the English could, with difficulty, extinguish the flames. Finally, they caught a cartridge, which, in an instant, fired all the others with a horrible explosion. All who stood near the helm were killed, and all the cannon of that part were dismounted. Meanwhile, Pearson was not disheartened: he ordered his people to board. Paul Jones prepared himself to repulse them. The English in jumping on board him found the Americans ready to receive them on the point of their pikes; they made the best of their way back to their own vessel. But during this interval, the fire had communicated itself from the Serapis to the Bonhomme Richard, and both were a prey to the flames. No peril could shake these desperate men. The night was dark, the combatants could no longer see each other but by the blaze of the conflagration, and through dense volumes of smoke, while the sea was illuminated afar. At this moment, the American frigate Alliance came up. Amidst the confusion she discharged her broadside into the Richard, and killed a part of her remaining defenders. As soon as she discovered her mistake, she fell with augmented

fury upon the Serapis. Then the valiant Englishman, seeing a great part of his crew either killed or disabled, his artillery dismounted, his vessel dismasted, and quite enveloped in flames, surrendered. All joined to extinguish the fire, and at length it was accomplished. The efforts made to stop the numerous leaks of the Richard proved less fortunate; she sunk the next morning. Out of three hundred and seventy-five men that were aboard that vessel, three hundred were killed or wounded. The English had but forty-nine killed, and their wounded amounted to no more than sixty-eight. History, perhaps, offers no example of an action more fierce, obstinate and sanguinary. During this time the Pallas had attacked the Countess of Scarborough and had captured her, not however without a stubborn resistance. After a victory so hard-earned, so deplorable, Jones wandered with his shattered vessels for some days, at the mercy of the winds, in the north sea. He finally made his way good, on the sixth of October, into the waters of the Texel.' pp. 112—114.

The account of the battle of Cowpens between Morgan and Tarleton is also highly animated and graphic.

'Tarleton, after having passed with equal celerity and good fortune the rivers Ennoree and Tiger, presented himself upon the banks of the Pacolet. Morgan retreated thence forthwith, and Tarleton set himself to pursue him. He pressed him hard. Morgan felt how full of danger was become the passage of Broad river, in the presence of so enterprising an enemy as now hung upon his rear. He therefore thought it better to make a stand. He formed his troops in two divisions; the first composed of militia, under the conduct of colonel Pickens, occupied the front of a wood, in view of the enemy; the second, commanded by colonel Howard, was concealed in the wood itself, and consisted of his marksmen and old continental troops. Colonel Washington, with his cavalry, was posted behind the second division, as a reserve. Tarleton soon came up and formed in two lines; his infantry in the centre of each, and his horse on the flanks. Every thing seemed to promise him victory. He was superior in cavalry, and his troops, both officers and soldiers, manifested an extreme ardor. The English attacked the first American line; after a single discharge with little harm to the enemy, it fled in confusion. They then fell upon the second; but here they found a more obstinate resistance. The action was engaged and supported with equal advantage. Tarleton, to decide it in his favor, pushed forward a battalion of his second line, and at the same time directed a charge of cavalry upon the right flank of the Americans. He was afraid to attack their left, supported by colonel Washington, who had already vigorously repulsed an

assault of the British light horse. The manœuvre of Tarleton had the expected effect; the American regulars gave way and were thrown into disorder. The English rushed on, persuaded that the day was now their own. Already Tarleton with his cavalry was in full pursuit of the routed, when colonel Washington, whose troop was still entire, fell upon the enemy with such impetuosity, that in a few moments he had restored the battle. During this interval, colonel Howard had rallied his continental troops, and led them back upon the English. Colonel Pickens had also, by prodigious efforts, re-assembled the militia and again brought them to the fire. Morgan was visible everywhere; his presence and words re-animated the spirits of his soldiers. He profited of that moment of enthusiasm to precipitate them in one general charge upon the enemy. The shock was so tremendous that the English at first paused, then recoiled, and soon fled in confusion. The Americans pursued them with inexpressible eagerness. It was in vain that the British officers employed exhortations, prayers and threats to stay the fugitives; the discomfiture was total. Tarleton lost, in dead, wounded and prisoners, more than eight hundred men, two pieces of cannon, the colors of the seventh regiment, all his carriages and baggage.' pp. 249—251.

The hurricane of Barbadoes in 1780, presents a scene of terror hardly inferior to the plague of Athens.

'The events we have been relating were succeeded, in the West Indies, by a sort of general truce between the two parties. But though the fury of men was suspended for a while, that of the elements broke out in a manner much more tremendous. It was now the month of October, and the inhabitants of the islands were in the enjoyment of that unexpected tranquillity which resulted from the cessation of arms, when their shores and the seas that washed them, were assailed by so dreadful a tempest, that scarcely would there be found a similar example in the whole series of maritime records, however replete with shocking disasters and pitiable shipwrecks. If this fearful scourge fell with more or less violence upon all the islands of the West Indies, it no where raged with more destructive energy than in the flourishing island of Barbadoes. It was on the morning of the tenth that the tornado set in, and it hardly began to abate forty-eight hours after. The vessels that were moored in the port, where they considered themselves in safety, were wrenched from their anchors, launched into the open sea, and abandoned to the mercy of the tempest. Nor was the condition of the inhabitants on shore less worthy of compassion. In the following night, the vehemence of the hurricane became yet more extreme: houses were demolished, trees uproot-

ed, men and animals tossed hither and thither, or overwhelmed by the ruins. The capital of the island was well nigh razed to a level with the ground. The mansion of the governor, the walls of which were three feet in thickness, was shaken to its foundations, and every moment threatened to crumble to ruins. Those within had hastened to barricade the doors and windows to resist the whirlwinds; all their efforts were of no avail. The doors were rent from their hinges, the bars and fastenings forced; and chasms started in the very walls. The governor with his family sought refuge in the subterraneous vaults: but they were soon driven from that shelter by the torrents of water that poured like a new deluge from the sky. They issued then into the open country, and with extreme difficulty and continual perils repaired under the covert of a mound, upon which the flag-staff was erected; but that mass being itself rocked by the excessive fury of the wind, the apprehension of being buried under the stones that were detached from it compelled them again to remove, and to retire from all habitation. Happily for them they held together; for, without the mutual aid they lent each other, they must all inevitably have perished. After a long and toilsome march in the midst of ruins, they succeeded in gaining a battery, where they stretched themselves face downward on the ground, behind the carriages of the heaviest cannon, still a wretched and doubtful asylum, since those very carriages were continually put in motion by the impetuosity of the vortical gusts. The other houses of the city being less solid, had been prostrated before that of the governor, and their unhappy inhabitants wandered as chance directed during that merciless night, without shelter and without succor. Many perished under the ruins of their dwellings; others were the victims of the sudden inundation; several were suffocated in the mire. The thickness of the darkness, the lurid fire of the lightning, the continual peal of the thunder, the horrible whistling of the winds and rain, the doleful cries of the dying, the despondent moans of those who were unable to succor them, the shrieks and wailings of women and children, all seemed to announce the destruction of the world. But the return of day presented to the view of the survivors a spectacle which the imagination scarcely dares to depict. This island, lately so rich, so flourishing, so covered with enchanting landscapes, appeared all of a sudden transformed into one of those polar regions where an eternal winter reigns. Not an edifice left standing; wrecks and ruins every where; every tree subverted; not an animal alive; the earth strown with their remains, intermingled with those of human beings; the very surface of the soil appeared no longer the same. Not merely the crops that were in prospect, and those already gathered, had been devoured by the hurricane: the gar-

dens, the fields, those sources of the delight and opulence of the colonists, had ceased to exist. In their place were found deep sand, or sterile clay; the enclosures had disappeared; the ditches were filled up, the roads cut with deep ravines. The dead amounted to some thousands: thus much is known, though the precise number is not ascertained. In effect, besides those whose fallen houses became their tombs, how many were swept away by the waves of the swoln sea and by the torrents, resembling rivers, which gushed from the hills? Much of what escaped the fury of the tempest fell a prey to the frantic violence of men. As soon as the gates of the prisons were burst, the criminals sallied forth, and joining the negroes, always prepared for nefarious deeds, they seemed to brave the wrath of heaven, and put every thing to sack and plunder. And perhaps the whites would have been all massacred, and the whole island consigned to perdition, if general Vaughan, who happened to be there at the time, had not watched over the public safety at the head of a body of regular troops. His cares were successful in saving a considerable quantity of provision, but for which resource the inhabitants would only have escaped the ravages of the hurricane, to be victims of the no less horrible scourge of famine. Nor should it be passed over in silence by a sincere friend of truth and honorable deeds, that the Spanish prisoners of war, at this time considerably numerous in Barbadoes, under the conduct of Don Pedro San Jago, did every thing that could be expected of brave and generous soldiers. Far from profiting of this calamitous conjuncture to abuse their liberty, they voluntarily encountered perils of every kind to succor the unfortunate islanders, who warmly acknowledged their services. The other islands, French as well as English, were not much less devastated than Barbadoes. At Jamaica, a violent earthquake added its horrors to the rage of the tornado; the sea rose and overflowed its bounds with such impetuosity, that the inundation extended far into the interior of the island.

'In consequence of the direction of the wind, the effects of the sea-flood were the most destructive in the districts of Hanover and Westmoreland. While the inhabitants of Savanna-la-Mer, a considerable village of Westmoreland, stood observing with dismay the extraordinary swell of the sea, the accumulated surge broke over them, and in an instant, men, animals, habitations, every thing was carried with it into the abyss. Not a vestige remained of that unhappy town. More than three hundred persons were thus swallowed up by the waves. The most fertile fields were left overspread with a deep stratum of sterile sand. The most opulent families were reduced in a moment to the extreme of indigence. If the fate of those who found themselves on shore was deplorable beyond all expression, the condition of

those who were upon the water was not less to be pitied. Some of the vessels were dashed upon shoals and breakers, others foundered in the open ocean, a few made their way good into port, but grievously battered and damaged. The tempest was not only fatal to ships under sail, it spared not even those that were at anchor in the securest havens.' pp. 176—180.

But there is no more striking proof of Mr Botta's fine taste, than the incident, which he selects for the conclusion of his history, and the admirable simplicity with which he relates it, without weakening its effect by any attempt to point out its particular beauties, or by incumbering it with moral reflections. No ornament indeed could add to the impressive dignity of the scene. We know nothing in all history to be compared to it, and pity the man, who, with the events which led to it fresh in his memory, can read or recollect it without emotion.

'The army was disbanded; but the supreme command still remained in the hands of Washington: the public mind was intent upon what he was about to do. His prudence reminded him that it was time to put a term to the desire of military glory; his thoughts were now turned exclusively upon leaving to his country a great example of moderation. The Congress was then in session at the city of Annapolis in Maryland. Washington communicated to that body his resolution to resign the command, and requested to know whether it would be their pleasure that he should offer his resignation in writing, or at an audience. The Congress answered that they appointed the twenty-third of December for that ceremony. When this day arrived, the hall of Congress was crowded with spectators; the legislative and executive characters of the state, several general officers, and the consul-general of France were present. The members of Congress remained seated and covered. The spectators were standing and uncovered. The general was introduced by the secretary, and conducted to a seat near the president. After a decent interval, silence was commanded, and a short pause ensued. The president, general Mifflin, then informed him, that the United States in Congress assembled were prepared to receive his communications. Washington rose, and with an air of inexpressible dignity, delivered the following address:

'"Mr President; the great events on which my resignation depended, having at length taken place, I have now the honor of offering my sincere congratulations to Congress, and of presenting myself before them to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the service of my country. Happy in the confirmation of our inde-

pendence and sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence; a diffidence in my abilities to accomplish so arduous a task, which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of heaven. The successful termination of the war has verified the most sanguine expectations; and my gratitude for the interposition of Providence, and the assistance I have received from my countrymen, increases with every review of the momentous contest. While I repeat my obligations to the army in general, I should do injustice to my own feelings not to acknowledge in this place, the peculiar services and distinguished merits of the gentlemen who have been attached to my person during the war. It was impossible the choice of confidential officers to compose my family should have been more fortunate. Permit me, sir, to recommend in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of Congress.

'"I consider it as an indispensable duty, to close this last act of my official life by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them to his holy keeping. Having now finished the work assigned me, I retire from the great theatre of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take my leave of all the employments of public life."

'Having spoken thus, he advanced to the chair of the president and deposited the commission in his hands. The president made him, in the name of Congress, the following answer:

'"Sir, the United States in Congress assembled, receive with emotions too affecting for utterance, the solemn resignation of the authorities under which you have led their troops with success through a perilous and a doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge, before it had formed alliances, and whilst it was without funds or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power, through all disasters and changes. You have, by the love and confidence of your fellow citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, until the United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in freedom, safety, and independence; on which happy event, we sincerely join you in congratulations. Having defended the

standard of liberty in this New World, having taught a lesson useful to those who inflict, and to those who feel oppression, you retire from the great theatre of action, with the blessing of your follow-citizens; but the glory of your virtues will not terminate with your military command; it will continue to animate the remotest ages. We feel, with you, our obligations to the army in general, and will particularly charge ourselves with the interests of those confidential officers who have attended your person to this affecting moment. We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching him to dispose the hearts and minds of its citizens to improve the opportunity afforded them of becoming a happy and respectable nation. And for you, we address to him our earnest prayers that a life so beloved, may be fostered with all his care; that your days may be happy as they have been illustrious; and that he will finally give you that reward which this world cannot give."

'When the president had terminated his discourse, a long and profound silence pervaded the whole assembly. All minds appeared impressed with the grandeur of the scene, the recollections of the past, the felicity of the present, and the hopes of the future. The captain general and Congress were the object of universal eulogium.

'A short time after this ceremony, Washington retired to enjoy the long desired repose of his seat of Mount-Vernon, in Virginia.'

ART. X.—*Oeuvres Complètes de Jacques Henri Bernardin de St Pierre, mises en ordre, et précedées de la vie de l'auteur par L. Aimé Martin.* 12 vols. 8vo. Paris, 1818—1820.

THIS is the first collection that has appeared of the writings of Bernardin de St Pierre. The Studies of Nature, comprehending Paul and Virginia and the Indian Cottage, was the only considerable book published by the author during his life. The present collection contains another work in three volumes octavo, entitled the Harmonies of Nature, which was left unfinished, and might perhaps as well have remained unpublished. It is in substance nothing more than a repetition of the same ideas that are developed in a better form in the Studies. It serves with several other posthumous pieces to swell the number of volumes, and perhaps the booksellers'

profits, without adding any thing to the author's reputation, which rests ultimately upon Paul and Virginia. The few pages that comprise this charming little pastoral were the principal achievement and are the only lasting memorial of a life of more than seventy years. At the head of the collection is placed a copious biographical notice of the author by Mr Aimé Martin, a professor in one of the colleges at Paris; and it is from this that we propose to draw the materials for the present article. The account is pretty well written, and from the great variety of singular adventures related in it, is as interesting as a romance. As we anticipate that it will require a good deal of room to recapitulate the principal of them even in the most compressed form, we shall proceed at once to the narrative without further preliminary observations.

Bernardin de St Pierre was born at Havre on the 19th of January, 1737. The occupations and events of his childhood and early youth are related in great detail, but we must pass over this part of his life almost without notice, in order to be able to give his subsequent history with sufficient minuteness. Suffice it to say that previously to the age of five and twenty he had studied with a curate and then at a college of Jesuits at Caen; had made a voyage to Martinique with his uncle—obtained a lieutenancy in the engineer corps, and in that capacity had served a campaign in Germany and another in Malta —but with so little success and with such a variety of cross accidents interrupting all his plans, that he returned to Paris from the last expedition without resources or credit, thrown out of the line of military advancement—and almost without friends. Necessity, it is well known, is not the best letter of recommendation, and the author of Paul and Virginia, under these circumstances, was rather at a loss how to supply himself with daily bread. When the little cash he brought from Malta was exhausted, he applied to his acquaintance and friends for a fresh supply, but found them all short of money. In defect of money, some of them gave him advice, and recommended to a lieutenant of engineers to take the place of usher in a small school and teach little children their letters. He finally undertook to give lessons in mathematics to young men intended for the army; but no students applying, the plan was abandoned. The offers of service which he made to the government were treated with neglect, and he found the period approaching very fast when the baker and the landlady, his only re

maining protectors, would withdraw their countenance. The following passage describes his situation at this crisis, with rather more point than is common to the biographer, whose general manner borders too nearly upon a sickening affectation of sentiment.

'He lodged in an hotel in the Rue des Maçons, and hastened to visit those who, before his departure, had expressed an interest in him. The bailiff de Fronlay spoke to him of his own troubles, deploring the lot of great men, who had lost their influence with ministers. M. de Mirabeau, the friend of man, was composing a great book on the happiness of the human race, which prevented him from paying attention to any single one of the number. M. de Bois, first clerk, received him with the airs of a minister; told him he must wait, that his case should be considered; that he was perpetually visited by suitors; and with speeches like these, waited upon him civilly to the door. The poor suitor consoled himself under the indignity, by the sight of a hundred persons waiting in the antichamber, to enjoy the felicity of seeing a first clerk.

'All his visits were attended with the like success. Meantime the little money he had left disappeared, and he came to the resolution of asking aid of his relations. He was equally unsuccessful here. Some told him he deserved all he suffered; and others that he was a *poor creature*, and that his family could not ruin itself to gratify his whims. The most friendly gave him no answer. In this emergency one of his protectors offered him a place at a boarding school, to teach little children to read. Another proposed to him to give lessons in mathematics to young men destined for the corps of engineers. He accepted this proposal; but pupils were soon wanting, and this last resource failed. On this he addressed to the minister of the marine a memoir, in which he proposed to go alone in a boat, and make a survey of the whole coast of England. This curious memoir did not excite the least curiosity on the part of the government, nor receive any answer. In short there was no species of mortification, which he did not suffer. He had never before felt to such a degree the bitterness of this lot. Misery had already begun to crush him; he had exhausted his credit with the baker, his landlady threatened to turn him out; nor was there, in this complete desertion, a soul to whom he could look for relief.'

This was certainly a case of distress; but distress is a word that loses its meaning when applied to a single man in the prime of life, tall and handsome, with the gaiety of a soldier and a Frenchman, not to mention the more doubtful advanta-

ges for making way in the world of superior talents and a good education. Distress to such a person is like a delicate situation to a great dramatic poet. It shows the triumph of his art. St Pierre, in want of bread at Paris, bethought himself of a plan which had engaged his attention at an earlier period, and which had for its object the foundation of an independent state on the shores of the lake of Aval in the centre of Asia. As nothing seemed to offer nearer home, he thought the moment favorable for carrying this plan into execution. This independent state was, however, to make its debût in the world under the protection of Russia, and it was expected that the necessary pecuniary disbursements would be readily made in this quarter, in consideration of the great advantages likely to accrue to the Russian commerce from such a settlement. Thus the material parts of the plan seemed to be attended with very little difficulty, could the projector only arrive at St Petersburg. *Ce n'est que le premier pas qui coûte.* But in this case the first step happened to be a pretty long one, and the cost, though not very large for a well stocked purse, was apparently quite beyond the reach of a person whose ordinary resources were inadequate to the expenses of his board and lodging. Upon applying again to his friends he found, that with a view of getting rid of him, they were willing to make rather more sacrifices than they would to keep him alive at home. From various sources he collected a sufficient sum to pay his expenses to Amsterdam, and trusting in Providence for the means of continuing his journey after he should arrive there, he set off in the diligence for Brussels, intending to proceed by land to Lubeck and there embark for the metropolis of Russia. It ought to be added here that his family had supplied him with a certificate, rather doubtful in its character, that he was of noble extraction. In fact the family tradition reckoned among their ancestors the celebrated Eustache de St Pierre, so well known for his magnanimous conduct at the siege of Calais. To give his nobility, real or supposed, the proper *éclat* he assumed the style and title of the Chevalier de St Pierre, and furnished himself with a suitable coat of arms from an engraver's shop.

Our adventurer having with difficulty reached Amsterdam, found himself reduced again to the chapter of expedients,—a situation which it would appear from the practice of some powerful empires, is attended with less embarrassment in pub-

lic affairs than it generally is in private. Upon the strength of a slight shadow of acquaintance or relation, he resorted for aid to the editor of the French gazette. Luckily for him this person proved to be a man of sense and kindness—a sage not according to the degenerate fashion of modern times, but after the manner of the ancients, who, according to our biographer, talked less of wisdom than we do, but practised it more. Mustel, a Frenchman born in Normandy, after obtaining some success in the poetical line, had abandoned the muses and settled quietly at Amsterdam in the capacity we have mentioned. Free from ambition, and indifferent to the fates of the great personages whose actions he recorded, and whose good and ill fortune were equally profitable to him, he had spent his life happily in the society of an excellent wife, and in a sort of epicurean retirement. Having now realised an independence, he was desirous in his old age of returning to his country to die. Mustel, a philosopher himself, was pleased with the philosophy of our travelling chevalier, and his sister-in-law was struck with his personal advantages. A proposal was made him to accept the hand of the sister and the conduct of the journal, the latter being worth about a thousand crowns a year. The offer no doubt was tempting to a man without a sol in his pocket; but could hardly be expected to succeed with the destined founder of a powerful nation on the shores of the Aval. It was accordingly refused. He obtained from Mustel a supply of money to pay his expenses as far as Lubeck, and left him with some regret to pursue the chase of fortune. Twenty or thirty years after he had occasion to return to Amsterdam, and found to his surprise that nobody could tell him any thing of the philosophic journalist. He had probably returned to his country and his memory had already perished in the scene of his labors. It struck St Pierre as a strange contrast, that a man who for half a century had distributed renown twice a week to all the potentates and heroes in Europe, should not be remembered thirty years after within the limits of his own street.

On his arrival at Lubeck the author of Paul and Virginia was visited by another attack of that fatal consumption of the purse, for the cure of which, as Falstaff justly observes, all the palliations that have been discovered are so wholly ineffectual. Here he borrowed two hundred francs from the commandant of the place for whom he had a letter, and embarked

for St Petersburg with a joyous company of artists, painters, poets, jugglers, and hair dressers, proceeding in all the glow of expectation and gaiety to that capital, in order to lend their aid in the due celebration of the accession of the great Catherine, who had just mounted the throne. Their exaggerated hopes and baseless visions of success and fortune afforded our philosopher ample subjects of amusement and pity, as well as of conscious satisfaction at the superior importance and practicability of his own schemes. After a passage of a month they arrived at Cronstadt and immediately proceeded in a boat to St Petersburg. The magnificent spectacle afforded by the entrance of the city from this quarter sustained their hopes, and the hospitality of the inhabitants seemed at first to be in unison with the splendor of the residence. Mr Thornton, a British merchant, inhabiting the noble street called the English Line, that borders the river at this place, came out gaily to meet them, and invited them to repose in his house until their friends could be informed of their arrival. One by one the friends arrived in carriages and took them away, till at last our unfortunate chevalier was the only one left. Not to appear like a man at a loss, he took his leave with a good grace, and was directed by one of his fellow passengers whom he met in the street to the only French inn in the city. He now found that the empress had gone to Moscow to be crowned and was not to return for a considerable time, till when nothing could be done about the future republic. Meanwhile his whole stock of money consisted in the sum of six francs, remaining from the loan of the governor of Lubeck—a poor fund this to supply the necessary resources for a campaign of several weeks against his persevering enemies, the landlady and the baker, who seemed to track his course with unrelenting steadiness, like the harpies in Virgil, from one quarter of the globe to another. He succeeded for some time in parrying their attacks, but found the contest growing every day more unequal, when he was at last relieved from his embarrassment by a lucky accident—or as he was rather fond of styling it himself in the religious spirit of the latter part of his life—by a favorable intervention of Providence. A gentleman clothed in a rich pelisse, who proved to the secretary of the famous marshal Munich, then governor of the city, accosted him one day at the door of a church, and after a long conversation, offered to present him to the marshal. This ceremony was accordingly

performed the next day, at the rather early hour of three in the morning when the marshal gave him audience. Munich had just returned, at the age of eighty years, from an exile of forty in the wilds of Siberia. While he had amused his leisure in teaching mathematics to the soldiers that guarded him, he had learned philosophy himself from the accidents of his own life, and knew how to value it in others. He perceived the merit of St Pierre, and determined to be of service to him. His first offer was a bag of rubles for his immediate necessities, but this the chevalier refused ; observing, with a proper spirit, that ' the engineers of the king of France could not accept money from any body below a sovereign.' The marshal was not displeased with this delicacy, and offered in the next place to present him to a general officer, who was going on immediately to Moscow, and would be glad of his company. The proposal was gratefully accepted. A Genevan jeweller, whose acquaintance he had made at his inn, supplied him with money for his immediate wants, which he would not accept from a marshal of the empire, and in a very few days he was on his way to Moscow.

This journey was not without its *desagrémens*, as indeed what passage of human life is? The general with whom our adventurer travelled was rather surly in his deportment—the weather was excessively cold, and while the rest of the company were shut up in two warm close carriages, the lines had fallen to St Pierre in an open traineau, a situation the more disagreeable from his having no pelisse or fur cap. The advance toward Moscow had nearly proved as disastrous to him as the retreat from it lately did to his countrymen. When they stopped to repose, the entertainment was not well calculated to restore his spirits. The general at every post-house distributed to each of the company a small piece of bread as hard as a rock, and the value of half a glass of wine hewn off with an axe from a solid mass of that liquor. Having made this liberal allowance he placed himself at a table to take his own repast, while his companions were expected to remain standing behind his chair. This was a reach of degradation too low to be endured by the future legislator of Tartary. Non tulit hanc speciem furiata mente Corœbus. St Pierre alone of the company took the liberty of sitting in the general's presence, but whether at the same table is not sufficiently explained. The general, however, we are told, never forgave him this

excess of familiarity. A ride from St Petersburg to Moscow in the winter is not a very uncommon adventure, and to an engineer of the king of France one would suppose not a very formidable one. Under the pen of his sentimental biographer, it assumes however rather a hazardous aspect, as the reader may judge from the following passage, which is a happy specimen of the biographer's best manner.

'But the aspect of nature was enough to plunge him in melancholy. It is impossible to describe the keenness of the atmosphere and the severity of the frost. Every thing was covered with snow—the woods, the fields, the plains, the mountains, the lakes, and even the sea. In the morning the sun rose like a ball of red fire in the horizon; its light was pale and without warmth, and served only to agitate in the air a multitude of frozen particles glistening like diamond sands. The night presented a spectacle not less strange. The pines, across which the icy wind passed, were like so many pyramids of alabaster, with passages running into a boundless distance. Now the moon illumined them with bluish gleams, and anon the fires of aurora borealis seemed to cover them with the flarings of a great conflagration. You would have thought them, at such a moment, the colonnades, the porticos of a city, in which the excited imagination beheld sphinxes, centaurs, and harpies, Thor and his mace, and all the fantoms of the heathen mythology.

'Rapidly borne along on an open sledge, he beheld these imaginary beings flitting around him, and he could with difficulty refrain from believing in their reality. The three carriages drove on, in this condition, without any hope but that of arriving at some poor villages, of which nothing, however, announced the neighborhood, for the very cocks and dogs were stupified by the cold. They beheld, however, troops of wolves, who, pressed by hunger, followed the travellers as their prey. These terrible animals divided themselves into two packs, on the two sides of the road. Each was led by a chief, who sprang forward, preceded the carriages, and stopped from time to time to utter the most plaintive cries, to which the two packs responded at measured intervals. After this call, you would hear no more of them but the light sound of their feet tapping on the snow, a noise more ominous even than their shrieks. Alas! when our sad traveller, in the midst of these deserts, recalled to his mind the rich fields of France, her smiling vallies, her green hills covered with animals serviceable to man, where the soil is clothed with harvests, vineyards, and rich orchards, where the song of the cock, the baying of the dog, and the silver peal of the rustic bell announce at every morning the return of day, oh, how did his heart not sink with-

in him ! how wretched did he not feel himself to wander so far from his country ! It was thus, that exposed to the rigor of the frost without so much as a cloak to protect him, he could not but envy the wretched peasants, whom he found herded in the huts, but who at least could comfort each other in their misery. He envied even the horses that were harnessed to the carriage, for Providence, careful for them, had covered them with a long and warm hair, like a thick fleece ; as it were to testify—as our traveller despondingly thought at the time—that man alone was abandoned on the earth ; as if to testify—as he devoutly thought twenty years after—that there is not a single being abandoned ; inasmuch as God gives to all, according to their need, that which they have not themselves the understanding to procure.'

Upon his return to St Petersburg sometime after in summer over the same road, the face of nature was wholly changed and the inconveniences he encountered, though not inconsiderable, were of a different description. Such readers as like the effect of contrast may perhaps be pleased with seeing the following passage in the present connexion.

'He could not do any thing more acceptable to M. de St Pierre, who was overjoyed at the thought of traversing, at his ease and in fine weather, a region, through which he had not forgotten what he had before suffered. But it was his fate to experience on the same spot the extremes of heat and cold. Placed at the bottom of a carriage, without any other clothing than pantaloons of linen, the two travellers were obliged to keep constantly at their sides a block of ice, which was renewed as fast as it melted, and of which the water, mixed with sugar and lemon, was inadequate to appeasing their perpetual thirst. By night, they were pursued by clouds of musquitoes, which vanished at sunrise. But then there were swarms of little flies, which came to infect the air, and which clung to their faces like grains of burning sand ; larger flies succeeded these till noon; when armies of new flies, still larger, fell upon them from every side, and covered them with painful stings. One would have thought that, like Egypt of old, the country was given over to a plague of flies. Oppressed for want of sleep, tormented by the heat and by the insects, our travellers pursued, almost blind, that same road, where so lately, benumbed with cold, they had seen nothing but plains covered with snow, and heard only the howlings of the wolf. At this time, the roads were covered with droves of cattle, driven by Cossacs from the Ukraine to Dantzic. The two friends were never tired of admiring the gaiety of these fellows, who, unconcerned at the heat of the sun, the stinging of the flies, or the enormous distance to be traversed, went singing on, in the shade of the pine trees.'

The close of this description may serve as a convenient specimen of our author's style and manner, in the original.

'Un jour au lueur de l'Aurore, les deux voyageurs cotoyaient à pied les rives d'un lac, en admirant la multitude de perspectives, qui s'ouvraient devant eux. Après une nuite etouffante, ils jouissaient avec délices de la double fraîcheur des eaux et du matin, lorsque les accents de plusieurs voix melodieuses attirèrent leur attention. Ils marchèrent un instant, sans rien decouvrir, mais soudain la vaste entendue du lac se derobant à leurs yeux, à travers quelques sapins isolés, ils aperçurent plus de trois cent femmes entièrement nues, dont les eaux transparentes semblaient multiplier les charmes. Les unes nageaient en silence, les autres chantaient, mollement couchées sur le gazon. La plupart se poursuivaient en folâtrant, tandis que d'autres, laissant tomber la dernière voile, etaient immobiles sur le rivage. Les anges eux-mêmes n'auraient pu voir sans émotion toutes ces beautés reunies. Leurs groupes pleines de graces se dessinaient sur un horizon d'azur, et semblaient l'œuvre d'un enchantement. On eût dit une troupe de ces nymphes, que le Tasse met à l'entrée du palais d'Armide. Nos voyageurs contemplaient cette scene avec ravissement; mais ayant voulu s'approcher davantage, leur habit rouge les trahit, l'alarme se repandit parmi les baigneuses, et en un moment le tableau disparut. Les plus jeunes se plongèrent dans le lac, et les plus agées, se couvrant le visage d'une main, de l'autre firent signe aux voyageurs de s'eloigner. Quoique jeunes et officiers ils respectèrent cet ordre, et bientot ils purent s'en feliciter, lorsqu'ils apprirent de leur conducteur, qu'il y auroit eu du danger à ne s'y pas soumettre.'

It has not been our fortune to travel from Petersburg to Moscow in the winter, and we are of course unable to speak from personal experience of the fidelity of the first of these descriptions. We had occasion some years ago to make this journey in summer; and must add that this last described feature in the landscape had entirely disappeared. By way of compensation, perhaps, we may observe, that we do not recollect to have encountered a single fly or musquito on this long and solitary journey, and although not provided with a block of ice in the carriage, we suffered very little from heat. The principal inconvenience which befel us arose from the quality of the road, which was then composed for the greater part of large unhewn logs placed contiguously to each other across the way, without any covering of earth. We had un-

warily made trial of a carriage without springs, which is used a good deal by the people of the country, called a *kibitka*, and the effect upon the bones of driving over such a road in such a vehicle, is more easily imagined than described. It is time, however, to return to our adventurous knight, whom we left at the entrance of Moscow.

Upon the arrival of St Pierre at this place the adverse stars that had so long presided over his fortunes relented for a time. He was received with great cordiality by General du Bosquet, a Frenchman in the Russian service, to whom he had been particularly recommended by Marshal Munich, and speedily obtained the rank of second lieutenant of engineers. This post seems at first blush a little below the pretensions of our Asiatic Solon, but the brilliancy of the dress afforded some compensation for the inferiority of the rank. It consisted, as we are told by the biographer with laudable exactness, of a scarlet coat with black facings, fawn colored under clothes, white silk stockings, an elegant *plumet* and a bright sword. Such equipments in addition to an athletic and graceful person and an advantageous *tournure* were a good ground for almost any pretensions at the court of Catharine. With such qualifications it was far from being a visionary project to think of ruling a future Empire on the Caspian sea, since they were perhaps more likely than any others to give the possessor the effective command of one in actual existence and extending over half the globe. Such at least was the opinion of the Grand Master of Ordnance, Mr de Ville-bois, to whom St Pierre had been presented, and who cast his eye upon him as a suitable instrument for supplanting the favorite Orloff in the good graces of the empress—Orloff being then the principal obstacle at court to the credit of de Ville-bois. Not long after he accordingly proposed to his *protégé* to present him to the Empress. St Pierre could hardly contain his raptures, although they arose from views entirely opposite to those of the Grand Master. The moment, as he thought, was now at hand when the great object of his expedition was to receive its accomplishment. In direct contradiction to all the principles of court etiquette he thought of nothing less than handing a memoir to the empress upon his intended colony at the public audience, and in preparing for his presentation he was more busy in retouching his plan than in decorating his person. It may be observed that his protector, de Ville-bois, was

not in the confidence of his political projects. The account of his presentation and of his subsequent interview with Count Orloff is rather long, but we think the reader will not find it tedious.

'M. de Ville-bois, delighted with the enthusiasm of his *protégé*, with whose brilliant schemes, however, he was unacquainted, determined to satisfy his wish, by presenting him to Catharine. A private motive seems, moreover, to have actuated him on this occasion, and every thing leads to the conclusion that he had formed the plan of destroying the influence of Orloff, by that of a new favorite, and thus acquiring an ascendency over his sovereign. It was one evening, on rising from supper, that he announced to M. de St Pierre the good fortune, which awaited him the next day. Our philosopher had well nigh gone crazy at the news. In haste to be ready, he escaped from the hall of M. de Ville-bois, ran and shut himself up in his chamber, began his memoir twenty times, read it, and read it again, declaimed it, opened his Plutarch, sought there for hints, for inspiration, and prepared a fine discourse on the glory of kings that found republics. The night was passed in the agitations and excitements of this fever. Toward morning he began to dress, stopping every moment to correct some line, alter an expression, or throw in an idea to insure the success of his enterprise. But what was this enterprise, which carried him to the extremities of the earth? what were these seductive speculations, which, in the midst of the ices of the north, could make him forget even his native land? Near the eastern shores of the Caspian sea, between India and the Russian empire, there exists, in the happiest climate, a favored region, where heaven has lavished all its gifts. The Tartars have occupied it, and turned it into a desert. It was here, that, under the modest title of *Company*, our young legislator proposed to found a republic. The empress of Russia, so enlighted in respect to her interests, would protect an establishment, which would bring into her possession the riches of India, and the commerce of the world. This commonwealth should be open to the unfortunate of all nations. To be poor and persecuted should be a sufficient title to enter this assylum. Even the Tartars would soften their manners, to be admitted into this retreat of misfortune. Good faith, liberty, justice and law alone should bear sway in the state: and the code of this new Atlantis should be expressed in terms clear and unequivocal. Like that of William Penn, it should say to all those, who sorrow in the world, 'Come to our fertile region; and he that there plants a tree, shall gather its fruit.' M. de St Pierre proposed above all, to imitate this legislator in his reliance on God, the greatest, in our opinion,

ever evinced by the founder of any state; inasmuch as he dared to establish a society of men, rich and without arms; and by a miracle of Providence this society never failed to flourish in the midst alike of savages and Europeans. Such were the noble projects, which the young traveller came, with the firmest confidence, to present to the great Catharine, and rich with these brilliant illusions reached the gates of Moscow with his last crown.

'The hour of the audience at length arrives; the memoir is finished, he reads it once more, runs to M. de Ville-bois, mounts his carriage, and soon after finds himself in a magnificent gallery amidst the great lords of the court. They all affected the manners and politeness of the French. To judge from the air of freedom and happiness in their faces, you would have pronounced them a company of the blest. Each one exerted himself to appear what he was not, to say what he thought not, and to hear what he believed not. Not to deceive would have been the true deception here. There was a mutual fraud, which imposed on no one, and to which every one was reconciled. The eye was dazzled with ribbons, gold, silver, and jewels. At the sight of this motley throng, M. de St Pierre lost at once his courage. He was amazed at his having conceived of bringing a project for liberty into such a circle of slaves. Can they understand the language of truth, whose only pleasure is falsehood? Can they wish to protect the free, who owe their titles and their riches to a yoke, which they bind upon their wretched serfs? Grieved, almost dismayed with these reflections, seized with a timidity which he could not throw off, the project began to quit him, and he would have yielded perhaps to the feelings which oppressed him, when the doors of the gallery were pompously thrown open. All in a moment was motionless and silent, and he saw only the empress. She advanced alone. Her countenance was noble, her expression mild and serious, her carriage easy, every thing about her combined to remove fear, and to inspire respect. She stopped to listen to the grand master. While he spoke, the eyes of Catharine fixed themselves upon our youthful legislator, who approached at a signal of M. de Ville-bois, and according to the usage, dropped with one knee to the floor, to kiss the hand which was extended to him by the empress. After this ceremony, she addressed him several questions about France. He was fortunate in his replies, and a charming smile announced to him that he might take courage. Finally she told him, with an air of great kindness, that she was pleased to have him in her service, and that she begged him to learn the Russian; afterwards saluting M. de Ville-bois, she threw upon his *protégé* the most gracious glances, and continued to proceed with the great lords who surrounded her. The rapidity of this scene had disconcerted the

projects of M. de St Pierre. His discourse had stopped at his tongue's end, and his memorial remained in his pocket. He that had come but to speak the truth, had been able to think of nothing but compliments. By what sorcery had he yielded so soon to the seductions of the court? Why had he not been able to overcome a weakness, of which he was ashamed? Alas, he felt that his republic was vanishing away, and that in holding the language of the courtiers, he had enlisted in their number.

'After the empress had retired, the courtiers surrounded M. de Ville-bois, to congratulate him on the success of his young cousin, who soon became the object of general notice. He was overwhelmed with offers of service; with compliments, protestations, and flatteries. Even count Orloff came to ask him to breakfast, and the baron de Breteuil, then French ambassador, scolded him familiarly for neglecting his countrymen. Stupified and like a person intoxicated, our poor second lieutenant could not imagine what it was, which had rendered him so quickly an important personage. He approached Barasdine, who had been a witness of the scene at a distance, and seemed to share the triumph. As soon as they were alone, Barasdine explained to him the zeal of a court, ever ready to bow down before the momentary idols of fortune. "They think," said he, "that the grand master has cast his eyes on you, to shake the power of Orloff, and regain the favor to which he aspired. They add, that the empress, in retiring, praised your person, your self possession, and the vivacity of your answers. My uncle and several courtiers have commended you; and Orloff turned pale at it. Trust me, and make yourself a rival of this unworthy favorite; every purse will be opened to second you. Set up a carriage, take an hotel, a title, and servants. Throw yourself at all hours in the way of the empress. She is young, handsome and kind; you are a Frenchman, you are agreeable, nothing is impossible for you."

'Resolved not to depart a moment from the principles of honor, he went the next day to the count Orloff with his memorial in his hand, and found him alone in his cabinet, engaged in reading some papers. His reception of M. de St Pierre was polite, but somewhat cold. His manner was marked with a curious mixture of familiarity, openness, and pride. His fierce and masculine beauty would have worn a stern appearance, if you had not perceived in the softness of his air and the studied sweetness of his looks, that he had learned to wear the yoke, and for the sake of reigning had stooped to please. Tea was brought, and while at breakfast, they began a conversation on politics, literature and fortifications. Orloff expressed himself with clearness, and knew how to listen for information, a rare gift among men, who generally listen only to kill time, to forget, and to talk.

Toward the end of breakfast, he took from his library the two first volumes of the Encyclopedia, of which the margin was covered with notes in French, on the most abstract sciences, in the handwriting of the empress. He opened these volumes, threw himself on his knees, covered them with kisses, fell into the most passionate enthusiasm, and spoke in the most glowing terms of the talents of his sovereign, of her accomplishments, her beauty, and the exalted fortune of those whom she loved. He then took from his secretary another book richly bound, and said to M. de St Pierre, "this does not contain much science, but you will see that it is not wholly useless." He opened the volume, which contained nothing but bank notes. "You must take some leaves of it," said he, smiling, "it is the only way in which you can criticise them as you ought;" adding in the kindest manner, "I know, by experience, that the equipment of an under lieutenant is very expensive and his appointments very trifling. You cannot therefore refuse to be obliged by an officer, who feels proud of having begun at the same point as you." M. de St Pierre was affected at this offer; he conceived it a noble and generous action. With greater knowledge of the world, he would perhaps have looked on it as designed to humiliate a rival flattered by the other courtiers. However this may be, the offer of Orloff met with no better success, than that of the marshal Munich. To be the benefactor of M. de St Pierre it was necessary from that time to be his friend or his king. But in rejecting the gift of Orloff with one hand, he presented him with the other the memorial which he had so much at heart. Orloff ran it over with indifference, threw it carelessly upon the table, and said that "views of this kind were contrary to the laws of the empire and the interest of the great." This objection did not discourage our legislator, who grew warm by the very opposition, and tried to convince Orloff, by showing him the beauty and utility of his project. The latter however listened with an absent air, and had already risen like a man whom truth does not please, when it was announced that the empress required his attendance. He immediately waited upon her in his slippers and morning gown, and left M. de St Pierre profoundly chagrined, and disposed to make a satire on all favorites. After waiting half an hour, and finding that the count did not return, he determined to retire, cursing at once his own ambition, and the blindness of the great, in never desiring a real good. The most gloomy reflections pursued him to his miserable abode. He saw dissolved at a moment the enchantment of greatness, with which he had been dazzled; and he found himself now at his stove with his mathematical books, the study of which appeared to him equally useless and tedious, and with no other society than that of a *denneckik*, or military domestic, to which

his rank entitled him. Even the sight of this man increased his dejection. He had been lately torn from his family; he remained for days motionless behind his master, doing like an automaton that which he was commanded by signal, and in stupid affliction resigned to every thing. Sometimes, however, the expression of sadness burst out all at once in a sort of song, or rather monotonous murmur, accompanied with tears. For the rest, he had so little idea even of the most common things, that by way of cleaning shoes, he would plunge them in water, and leave them there till they were called for, to be put on. M. de St Pierre having taught him how to brush a coat, the invention of the brush seemed to him a thing so marvellous, that he was about to throw himself at his master's feet, and adore him as a superior intelligence. The constant presence of this demi-savage was the more afflictive to our hermit, as it would not allow him to forget a moment, that there, whither he had come to seek fortune and glory, he had found only bondage and misery.'

Such was the untimely fate of one of the most promising and best administered republics that ever existed in the land of Utopia. It does not appear that St Pierre made any further efforts to accomplish his scheme during the remainder of his residence in Russia, which lasted three or four years. It strikes us as rather probable that the extraordinary and romantic coloring given by his imagination to the circumstances of his interview with the empress, and communicated by him to the biographer, was illusory. It is far more likely that M. de Ville-bois perceiving that he had a strong desire to be presented to the empress, was induced by the personal esteem he felt for him, and without any ulterior views of his own, to gratify him in this wish, although beyond the pretensions of his rank; and there is nothing unnatural in the other incidents that followed. However this may be, the destined founder of republics sunk very quietly into the sphere of his second lieutenancy, from which he gradually rose to the rank of captain; and had he chosen to remain in this career would probably have attained to the highest posts in the army, and might perhaps have played the part of Kutusoff in the late campaigns, at about the same age. Fortunately for the admirers of Paul and Virginia, his destiny was differently cast. His character at this period of life was too impatient and restless to be long satisfied in any situation, however promising and even brilliant. A wish to abandon the Russian service had been for some time fermenting in his mind, and upon the disgrace of his protector,

M. de Ville-bois, it assumed to his imagination the appearance of a magnanimous sacrifice to friendship and duty. Some efforts were made by the government to induce him to stay; and General de Bosquet renewed the tempting proposition, that had been held out to him in Holland by the journalist Mustel, in a still more specious form. Few captains of engineers at the present day would resist the offer of the heart and hand of a general's niece,

> '——— beautiful as sweet,
> And young as beautiful, and soft as young,'

accompanied by the reversion of a princely fortune. Our knight errant would doubtless have perceived the advantages of negotiating upon this basis, and have concluded a treaty at once. Unfortunately the empress Catharine having a cast off favorite to whom she was willing to do a kindness, bethought herself about this time of placing him upon the throne of Poland. The Polish nobility felt themselves aggrieved and were disposed at first to make some resistance; and although the French government, then in the hands of Madame de Pompadour, was not very efficient, it was understood to be the policy of France to support them. Under these circumstances it became of course the duty of every loyal Frenchman, especially of every officer of engineers, and most of all, of such whose proper vocation was to found and regulate republics and empires, to help the Poles in resisting the appointment of Poniatofsky to the crown. Our chevalier, uniting all these qualifications, could not hesitate a moment. Turning accordingly a deaf ear to the offer of the general's fortune, and an eye of indifference to the charms of his niece, he set off with all speed for Warsaw, provided with proper recommendations from the French ambassador. Upon his arrival he was received with due distinction and cordiality by the chiefs of the party he came to serve, and in order to lose no time in perfecting the objects of his undertaking, he made great haste to join the army of Prince Radzivil. Had he succeeded in this attempt, there is reason to suppose that he would have covered himself with glory by his exploits during the campaign, and it is not improbable that the arm of so valiant a knight would have turned the scale of battle and secured the independence of Poland. Such achievements are far from being unknown in the annals of romance. Still the world would have lost

Paul and Virginia. It is, therefore, not wholly to be regretted that the very day he left Warsaw on his way to the army of Radzivil, he was taken prisoner by a detachment of the Russians who covered the whole country; and found some difficulty in escaping with his life upon giving his *parole* not to serve against the empress. Thus ended the second of our hero's political enterprises, and thus disappeared the last gleam of hope for the brave and high-minded Poles.

Not having for the moment upon his hands any republic to found or protect, our adventurer naturally remained a while at Warsaw to compose himself after his late agitations; and here was seen in its full evidence, the truth of the homely proverb bearing, that if a man cannot find work for himself, a personage we shall not name will soon find it for him. Prince Radzivil had a relation, the princess Mary M——, as our biographer writes her name, with laudable discretion. She had used her interest in favor of St Pierre at the time of his imprisonment. To make repeated visits of acknowledgments to a fair protector was the dictate of natural gratitude. To become enamoured of a princess endowed with every charm of mind and person was the necessary result, with so loving a heart as that of the author of Paul and Virginia; and by this concatenation of cause and effect, we behold our adventurous Paladin in the next stage of his progress a captive, like so many of his compeers of romance, in the toils of beauty, as indifferent to all his high designs, and as much intoxicated with the delicious poison of love, as Holgar the Dane in the Paradise of the Fairy Morgana, Rinaldo in the enchanted groves of Armida, or the pious Eneas in the African palace of Queen Dido. There was this further resemblance between his fortunes and that of the last mentioned personage, that they both commenced by an adventure of precisely the same description. St Pierre, like the Trojan hero, was accidentally overtaken by a storm in company with the object of his passion, and they were led into error by repairing for refuge to the same pavillion. The want of room makes it impossible for us to enter into all the details that are given upon this subject by our sentimental, though at the same time, highly religious and moral biographer. Suffice it to say, that after the inglorious delusion had detained our chevalier for more than a year, those tiresome personages, so constantly hostile to every thing like passion and romance, the *parens*, the relations and friends

of the princess interfered and the knight received his dismission. He wandered about for some time in a state bordering very nearly upon despair, and invoked death as the only possible means of relief. But it has been observed, that the trials of the heart, though admitted by all to be in the highest degree painful, are seldom absolutely fatal. It is believed that the case of Werther is the only well authenticated example of such a catastrophe. Our hero after a while began to take courage, consulted with his friends, and was advised to repair to Vienna and endeavor to obtain employment in the Austrian service.

This application was wholly unsuccessful, and principally, we think, from our hero's fault. He was recommended by the Austrian ambassador at Warsaw, Count de Mercy, to a baroness, one of his relations at Vienna, and it was by her interest that his claim was to be advanced. We are compelled to say, that in his treatment of this person M. de St Pierre appears to have transgressed all the rules of civility. It is true that the baroness had kept him waiting seven or eight days, before she admitted him to an interview, and that upon making her acquaintance he found that she was old and ugly. But this was really not her fault, and he ought to have recollected that all the women in the world could not be expected to exhibit the airs and graces of the divine princess Mary M. Instead of this he seems to have taken serious umbrage, and to have seized the first occasion for expressing it. The baroness happened to observe that she had formerly known at the French court a Marchioness de St Pierre, and that she was perhaps the mother or aunt of the chevalier; upon which the latter replied, with what his biographer calls a 'noble frankness,' 'that he should not have come to Vienna to offer his service, if he had belonged to the family of the Marquis de St Pierre; but that he would not abuse the kindness of the baroness, and that she might reserve her protection for those who stood in need of patronage and high birth to obtain success.' The baroness, says our biographer, did not understand irony; he might have said she did not like insolence. The conversation naturally stopped at this point, and with it the chevalier's expectation of preferment in Austria. Meanwhile, he had received a letter from the princess Mary M——, filled with tender protestations and expressions of despair at their separation, which he chose to construe into an invitation to

return. It happened that the state carriages, intended to be used at the coronation of king Stanislaus, had been built at Vienna and were just going off. Our hero prevailed upon the conductor to allow him a passage in one of them, and was very soon at Warsaw. It strikes us as a sacrifice of principle in one who had so nobly resisted the pretensions of Poniatofsky to make use of his carriage; but love has led many a wiser man than St Pierre into much greater follies, so that we shall pass over this point without further censure. What was his astonishment upon arriving at Warsaw to find that his disconsolate princess was to give that very night a magnificent ball to the foreign ministers. In the paroxysm of his rage he burst without invitation into the middle of the *fête*, and taking the princess aside overwhelmed her with the bitterest reproaches. The next morning early he received the following laconic *billet-doux:*

'Your passions are so furious, that I can no longer support them; it is time for you to become reasonable, and to think of your profession and your duty. I am going to join my mother in the Palatinate of ****. I shall not return hither till I know you are gone, and shall not write to you till I know you are in France.

'Mary M——.'

Such was the *denouément* of this romantic business. After another interval of despair our adventurer took courage a second time, and set off for Dresden in the intention of offering his services to the Elector of Saxony, who was just then making war upon Poland. He was well received at this place, and his adventures here were not less extraordinary than at Warsaw. They are related by the biographer with a relish, which shews very clearly that the *Savans* of Paris know how to unite the national gallantry with the graver cares and tastes of their proper functions. We shall not, however, by any extract, diminish the edification which our readers might experience from reading the account of them in their place, and simply observe that their abrupt and unsatisfactory termination disgusted St Pierre with Saxony, where in other respects, his prospects appear to have been sufficiently brilliant; and he departed somewhat in dudgeon, with the intention of obtaining employment in the army of the great Frederic. The reader will have observed that our adventurer shared, in a degree, the philosophic indifference of the worthy Dugald Dalgetty, and was as ready, in a good cause and with the law on his side, to draw his weapon for one monarch as for another. At Berlin, however, he met with a repulse, the regulations in

regard to the rank of foreign officers entering the service, not being compatible with his pretensions. The only adventure of much interest that occurred in Prussia, was a repetition by the counsellor of state, Taubenheim, of the seducing proposition of the journalist, Mustel, and General de Bosquet. Taubenheim placed at his disposal his eldest daughter, Virginia, a charming girl of fifteen, the prototype of the future heroine of romance, with a handsome fortune, acquired in the thrifty employment of farming the government monopoly of tobacco. This attractive offer created a serious struggle in our adventurer's mind; but his high destiny of founding empires, finally prevailed over the seduction of a vulgar and unambitious happiness; and once more we add, that the world is all the better for it, for if St Pierre had espoused the real Virginia we should probably have lost the imaginary one. Having now completed his tour through the north of Europe, our hero returned to France, in precisely the same situation in which he left it; and resumed immediately the agreeable occupation of soliciting patronage and employment. As it happened, a scheme was in agitation, which precisely fell in with his professional pursuits. The government were meditating the project of founding a colony on the great island of Madagascar, and as our hero was known to work in this line, he was immediately invited to concur. This proposal was accepted of course. The command of the expedition was given to a person of higher rank, and St Pierre had the second place, with the title of captain of engineers at the Isle of France. He sold his little patrimony, and expended the proceeds in buying all the books upon legislation, that have appeared since the time of Plato. Meanwhile, the leader of the new colony in making his preparations, engaged neither soldiers nor workmen, but contented himself with laying in a large stock of servants, cooks, actresses, and secretaries. They had not been long at sea when the secret came out. The commander informed St Pierre, that he had not the slightest intention of founding a colony; that his only object was to make his fortune, by trading in the natives of Madagascar, and that in selecting the persons who composed his suite, he had consulted of course, only his own personal amusement. This then was the object for which St. Pierre had sacrificed his paternal property, in making a complete collection of Utopias. It may easily be imagined, that he took the earliest opportunity of quitting the

concern. Without proceeding to Madagascar he landed at the Isle of France, and after remaining there two years, returned for the last time to his native country; and for the last time we add, that however unpleasant this turn of occurrences may have been, it was still in the end productive of benefit, since we could not have had, at least in its present shape, the agreeable pastoral that has given St Pierre his reputation, unless the author had been led by cross accidents to pass a considerable time at the Isle of France.

This was the conclusion of the active enterprises of St Pierre. The rest of his life was employed in the every-day work of writing and publishing books, and furnishes, of course, but few materials for the biographer. He formed, soon after his return, the plan of a voluminous romance, in prose, to be called Arcadia, in which was to be recorded, for the benefit of future legislators and knights errant, all the magnificent projects, which the writer had attempted in vain to execute. After laboring many years in collecting materials for this work, he abandoned the plan; and although he afterwards regretted that he had done so, we are inclined to think that it was fortunate for his reputation. He worked up the materials prepared for the Arcadia in the several books which he afterwards published, and we should be very sorry to exchange them for a heavy prose epic poem. The first book of the Arcadia was finished and printed, and gives but a poor idea of what the work would have been. The manner is nearly that of the Martyrs, by M. de Chateaubriand, and the impression made by it about as dull. The Studies of Nature, Paul and Virginia, and the Indian Cottage were formed out of the materials intended for this romance, and published one after the other with great success; and the author immediately took his station among the most distinguished literary characters of the time. It would be needless to add any critical remarks upon books so well known. The reception, which Paul and Virginia met with from a company of distinguished and enlightened auditors at a reading in manuscript, is matter of curious observation.

'Nevertheless a few days after, madame Necker wrote to the author to request him to read his works. She promised him for auditors and judges the persons whom she esteemed the most. M. Necker, as a distinguished favor, would be at home on the occasion. In a word, Thomas, Buffon, the Abbé Galiani, M. et

madame Germary, and some others were admitted to this tribunal, where M. de St Pierre appeared, with the manuscript of Paul and Virginia in his hand. He was at first heard in silence, by degrees the attention grew languid, they began to whisper, to gape, and listened no longer. M. de Buffon looked at his watch, and called for his horses. Those near the door slipped out; Thomas went to sleep: M. Necker laughed to see the ladies weep; and the ladies, ashamed of their tears, did not dare to confess that they had been interested. The reading being finished, nothing was praised. Mad. Necker alone criticised the conversation of Paul and the old man. This *moral* appeared to her tedious and common-place, it broke the action, chilled the reader, and was a sort of *glass of iced water*. M. de St Pierre retired in a state of indescribable depression. He regarded what had passed as his sentence of death. The effect of his work on an audience like that to which he had read it, left him no hope for the future. He did not know that an unknown author must look to the public alone for success. In society, those who have themselves acquired a reputation are slow to praise, for fear of committing themselves; the rest judge of a book only from the name of its author. He remained therefore fully persuaded that Paul and Virginia—that the Studies of Nature—that all the works, to which he had devoted fourteen years of patience and observation, were unworthy of the public eye.

He was still suffering under this double ill fortune, when a man of genius, the painter Vernet, came to revive his courage, and to restore him to his favorite studies. This celebrated artist often made a visit to the little garret, which M. de St Pierre then occupied in the Rue St Etienne-du-mont. Accident having carried him thither, a few days after the disastrous scene at M. Necker's, he found his friend in the lowest stage of depression, and the poor hermit—his heart filled with the disappointment—was not slow in relating it to his friend. Vernet was surprised, for he had read several passages of the Studies, and was anxious himself to judge of a work from the same pen. M. de St Pierre yielded to his urgency with reluctance, but at last he took his manuscript, which, since the fatal day had remained rolled up on the corner of his table, and began to read Paul and Virginia. Vernet listened at first with distrust, but the charm began to act upon him, and at every page he made an exclamation of delight. Never had he heard any thing so novel, so chaste, so affecting. The description of those distant regions opened to his eyes a new nature. The gardens of Eden were not more fresh. The loves of Adam and Eve have not more grace and innocence. It is the pencil of Virgil; it is the moral of Plato!—Soon he ceased to praise, he wept. He shares the emotions of Paul at the depar-

ture of Virginia ; and he wants words any longer to express the feelings awakened in him. They reach the dialogue of the old man, and M. de St Pierre proposed to omit it, mentioning the effect which it had produced on madame Necker. Vernet, however, would not consent to omit any thing ; he yielded it all his attention, and his silence soon became more eloquent than his tears or his praises. At last the book was finished. Vernet, transported, arose and embraced his friend ; and, pressing him to his breast, cried " happy genius, charming creature, the beauty of your character is transfused into your work. You have produced a chef d'œuvre. Take good heed not to retrench the dialogue of the old man ; it introduces a distance of time and place into the poem, separates the details of the infancy from the tale of the catastrophe, and gives an air of perspective to the picture. It was inspiration to introduce it. How charming too for its natural beauty is not this distant region ; and how ingeniously is not the action combined with the character of the landscape. One not only seems to have lived with these sweet children, but to hear the chirping of their birds, to cultivate their garden, enjoy the beauties of their sky, and wander throughout the scenes they inhabited. My friend, you are a great painter, and I dare promise you a splendid reputation." '

The Indian Cottage has not the romantic interest of Paul and Virginia, and is less valued by that part of the community who confine their studies entirely to such works as explain the development and effects of the tender passion. It is perhaps more pleasing to a different class of readers, from the very agreeable and satisfactory manner in which it treats some of the highest questions in philosophy. The discussion proceeds in the way of apologue, after the manner of the ancients. In this popular shape the author handles the great problems, where we are to search for truth, that is, for correct notions on the objects of life and the means of effecting them ? Having satisfied ourselves, shall we communicate the result of our researches to others ? What are the best instruments for prosecuting the inquiry ? The answers to the two first questions are sufficiently plausible. We are more likely to ascertain the truth by independent examination of facts, than by implicit deference to authority, and sincerity is the only necessary instrument for carrying on this examination. But shall we communicate the result to others, at the risk of shocking all the prejudices and interests that may be connected with opposite opinions ? The answer to this question is not quite so ration-

al. St Pierre recommends that we should tell the truth to those who are well disposed to receive it, that is in substance, to those who knew it before : but conceal it from the interested and the vicious. He appears to found himself upon the passage in scripture—'Cast not your pearls before swine, lest they trample them under their feet, and turn again and rend you.' But the moral couched under this brief parable may perhaps be understood to recommend caution and prudence in the publication of unpopular truths, rather than the entire concealment of them, or the revealing of them to those only who knew them before, which appears to be a work of supererogation. The concluding apophthegm of the Indian Cottage serves as a general moral to the work, and has met with universal approbation, *a man is never happy without a good wife.*

In this respect St Pierre may be looked upon as singularly fortunate. At every period of his life he succeeded in conciliating the favor of the sex. We have seen already that, without being subjected to the tedious process of courtship and the repeated preliminary refusals that usually occur in these cases, he had in his youth several opportunities of contracting an advantageous marriage. Where such occasions are neglected, it is not always that they return at a later period; but with St Pierre they continued to present themselves to the last. In a passage of his Studies of Nature he expressed a strong desire to obtain a suitable companion for life. He received in consequence a number of letters from different ladies making proposals for the situation ; one in particular, from Lausanne, the writer of which described herself as young, rich, and handsome. Unfortunately, she was a protestant and could not bring herself to marry a catholic. Her pretensions in other respects were sufficiently moderate. *I wish my husband*, she observed in her letter, *to love me exclusively and forever. He must believe in God, and must serve him in my way. I would not be your wife*, she adds, *unless we could go to heaven in company.* St Pierre replied, that in order to enter upon the marriage state, with a fair prospect of so desirable a result, it was necessary that the parties should see and know each other first. The young lady attempted to continue the negotiation, through the medium of one of her female friends at Paris. The latter does not appear, however, to have been a very accomplished diplomatist. Thinking to carry her point, as Hudibras with the widow, by force of logic ;

she undertook to employ the *argumentum ad hominem* and quoted a passage from the Studies of Nature, in which it is observed, that the birds sing their hymns to the great Creator in various notes, but all equally agreeable. A practised reasoner, like St Pierre, could not fail to remind her that this passage was fatal to her own argument; that if all religions were equally agreeable to the Creator, there could be no motive for his conversion, and that he never meant to be understood as saying that a nightingale ought to change his note and sing like a thrush. Some years after he married mademoiselle Didot, the daughter of the celebrated printer, and their two children were named Paul and Virginia. After her death he espoused in second nuptials a very young lady of noble family, mademoiselle de Pelleporc, who survived him and is still living. His old age seems to have been as quiet and happy as his youth was restless and miserable. His tranquillity was but little affected by the revolution. He declined all active political employments, and when requested by Bonaparte to write a work upon the wars in Italy, he positively refused, in consequence of which his name was erased from the list of senators. This was not the sacrifice of a mere title, as the place of senator was attended by a handsome pension. He died in January 1814, at the advanced age of seventy-seven.

A strong sentiment of religion was a prevailing feature in the intellectual habits of St Pierre during the latter part of his life; and the independence, with which he expressed it on all occasions, gave occasion to a very strange scene at a meeting of the institute.

'Here begins one of the most scandalous scenes of the revolution. Why can we not here stop? why have we entered this fatal career without calculating what it would cost us to complete it? But the choice of keeping silence is not left us; and even if we could tear this page from our work, we could not efface its contents from our history.

'It was in the year 1798, that Bernardin de St Pierre had been charged by the class of morals to make a report upon the memoirs which had been written on the prize-question, What institutions are the most proper to form the basis of public morals? All the writers had treated the subject according to the well known opinions of their judges. Dismayed at a perversity which he could not but believe affected, the author of the Studies was anxious to bring men back to views more just and consolatory,

and he finished his report by one of those flights of inspiration in which his soul breathed out all the sweetness of the gospel. On the appointed day, he repairs to the institute to submit his report. The greater part of his colleagues were gathered round a minister, who kept in pay a band of mercenary scholars, directed to retrench from the Latin poets all that regarded the divinity, that they might be rendered fit manuals for the revolutionary schools. It was in presence of such an auditory, that M. de St Pierre began to read his report. The analysis of the memoirs was heard with sufficient attention, but at the first annunciation of his religious principles, a cry of fury was heard from all parts of the hall. Some jested, asking him when he had seen God, and what was his form; others derided his credulity; the most moderate addressed him with expressions of contempt. From ridicule they proceeded to outrage; they insulted his age, they charged him with dotage and superstition; threatened to expel him from an assembly of which he had made himself unworthy; and there were some, who carried the madness so far, as to challenge him to a duel, in order to prove, at the point of the sword, that there was no God. He vainly attempted to make himself heard in the tumult; they would not hear him, and the *ideologist* Cabanis, the only one we shall name, in a transport of rage, cried out, "I swear there is no God, and I demand that his name never again be pronounced within these walls." Bernardin de St Pierre would hear no more. He ceased to defend his report, and turning to this last opponent, said to him calmly, "your master Mirabeau would have blushed at the words you have uttered." Saying this, he retired without waiting for a reply, and the assembly continued to debate, not if there were a God, but if they would allow his name to be heard in their halls.

'Meantime M. de St Pierre had entered the library. Dismayed at a scene without a parallel in the history of human societies, he felt that he ought to make a last effort, and hastened to commit to paper a few ideas, which should touch the minds of his auditors. This memoir was the work of inspiration; there are but a few words erased in the draft of it before us, and it was never copied. It is an affecting compound of sweetness and strength, and a model of the most lofty eloquence. He prays, he consoles, he seeks to reconcile—this was his only reply to the insults with which he had been loaded. He would not wrong himself by trying to *prove* that there was a God. He disdained to appeal to the works of nature; they would not be comprehended by men corrupted by the vices of society. But he sought to make them blush, by recalling to them the ephemeral laws of this period. He opposed to the deliberate Atheism of his colleagues the involuntary assent of the representatives of the people, men

covered with crimes, who yet dared not deny the God, whose vengeance awaited them. He carried this terrible argument so far, as to invoke that name, which no being can pronounce without a shudder—Robespierre—whose auspices the class of morals was claiming. Thus spake the just! And God granted that these lines, inspired by the love of man, should be superior to any thing that the author, who had produced so many eloquent works, had hitherto written, that posterity might behold in his finest page the record of his noblest action.'

St Pierre attached great importance himself to certain theories of his own in natural philosophy, particularly one, which refers the movement of the tides to the dissolution of ice at the poles. This object occupied his mind more and more as he advanced in life; but his views on the subject have not been sanctioned by the approbation of good judges, and it would be superfluous, even if we had room, to discuss them here. His business after all was more with the *optic naiads*, to borrow an expression from the friend of Gray, than with the nymphs of the ocean. The tides, whose principles of motion he had studied with success, were those, which swell the heart and gush from the eye.

ART. XI.—*Marino Faliero, Doge of Venice. A tragedy, in five acts, by Lord Byron.* London, 1821, pp. 261.

THE Baron de Grimm, in speaking of the decline of French tragedy, considers it as so obviously to be accounted for, that it was strange more than one explanation of its causes was offered. How is it possible, he asks, that any display of the influence of a *single passion* on the heroic character should yet remain to be discovered? Has not every different relation, in which *love* can be exhibited in romance, been described? Is it not hopeless to look for a conflict of the different affections which has not been pourtrayed? Without inquiring into the answers to this argument, by those in France where the theory is held, who were then or are now founding their hopes on what de Grimm considers impossible, it is clear that the English theatre has fully determined in theory if it has not successfully demonstrated, that there are other dramatic passions than love. What Pope, when young, attempted but suppressed, and what Addison

feared to trust to the united favor of the political and literary factions of his time, a tragedy where the interest does not depend on love, has at least ceased to be considered as impossible. Yet even in those instances where the interest is to be excited by the influence of some other passion, it has been pretty commonly thought expedient to unite this also, not always with the most perfect success to the plot, and there are few dramas which preserve the interest of the passion unmixed, with the purity and simplicity of Douglas, referring to the distress of maternal affection throughout, without a single strophe devoted to the tenderness of a confidante. If we may argue from some expressions in his late letter on Bowles' Pope, Lord Byron is far from supposing any class of subjects beyond the province of poetry. Though dramatic poetry is not, in this connexion, actually referred to in this letter, yet it is natural that one who expresses so very decided an opinion of the universal range of the art, in general, would not confine any particular branch of it to the interest derived from one passion alone. As it was understood also, that Lord Byron did not mean to restrict himself to the conventional bonds of the acted drama, additional opportunity was given for the boldest choice in the passions, circumstances and history on which the interest of the plot should rely. We have made these remarks before giving our opinion, that the story of the tragedy is neither so valuable, as might have been produced by his lordship's own invention, nor with the license assumed, taken from history.

Very little variation from the facts is exhibited in the story of the play.* Michel Steno, a young nobleman, inscribes on the throne of the Doge of Venice two slanderous lines, reflecting on the chastity of his wife, in revenge for having suffered punishment for some indecorum in the palace. Being tried by the council of forty, he was sentenced to confinement for two months and banishment for a year. This punishment Lord Byron *commutes* to a month's arrest. Wrought to frenzy by this inadequate sentence, which he considers an additional insult on the part of the council, Faliero meditates vengeance. In this mood, he has an interview with the leader of a band of conspirators, with whom he unites. By the attachment of one of their number, however, to a young noble, the plot is

* Muratori Annali d' Italia ix.

arrested in the very moment of its success, and the action concludes with the execution of the conspirators.

A pretty obvious fault in the story, the anticipated objection to which we think not fully answered by the noble author, is the great age of the hero. After the few dramas, like Lear, Œdipus &c. where the action turns on the very interest of the associations connected with extreme age, we seem to require that the violent passions employed to excite tragic interest should be displayed by the young and vigorous. It seems to be the dictate of nature to be shocked at the exposure of the mind to the violence of these passions, after it has ceased to possess fortitude to endure them. 'The octogenarian chief, blind old Dandolo,' seems better placed in the war council, than on his galley's deck in the tumult and danger of the engagement. Very much too of the actual vivacity of sentiment and strength of passion, on which the interest of romance depends, are incompatible with the experience of eighty years, or if found at that period are unnatural and unpleasing. It is well for us that it is so, and fatal beyond description would be the continuance of the feverish excitability of youth, to its possessor. Yet the story of Lord Byron's tragedy seems even to add to the natural impropriety of the age of his hero. A prince, who has passed a life of eighty years in every variety of action and peril, seems ill in costume, when driven to madness by a boy's libel on a young lady's honor. The question of the chief of the council of Ten seems unanswerable.

> 'And can it be, that the great doge of Venice,
> With three parts of a century of years,
> And honours on his head, could thus allow
> His fury like an angry boy's to master
> All feeling, wisdom, faith and fear on such
> A provocation as a young man's petulance?'

Now although it may be and is said, that this event was only the occasion and not the cause of the treason of the Doge, as far as the dramatic effect is concerned we can see no other. The play opens with displaying Faliero in fearful suspense awaiting the sentence of the Forty on the libeller. This suspense and agitation, the consolation attempted to be offered and the whole impression conveyed, depend solely on the Doge's personal dishonor. In the beautiful close, too,

of the third act, a part of which we shall attempt to extract, the sentiments uttered by Faliero, are in their *general* tendency directly the reverse of the supposition that he had long suffered under the tyranny of the nobles, although incidentally, as if in anticipation of a similar objection, such allusions are made. All these remarks we suggest from the conviction that though historically true in the particular instance, this story is neither very natural nor highly dramatic. In the preface to the tragedy Lord Byron takes occasion to express great dissatisfaction with Dr Moore for the slighting manner in which he mentions these events in his View of Italy. Without stopping to observe on the sensibility displayed by the poet to any opinion differing from his own in regard to his subject, though expressed while it was yet *feræ naturæ* and unreclaimed, it is worth remarking that even if the conduct of the Doge should not appear to others, as to the author of Zeluco, extraordinary, it does not therefore follow that it is dramatic, which seems to be the point his lordship should establish. Of the different manners of dramatizing history; that of Shakspeare in the Henries, for instance, where a long series of events is crowded together and the poetical interest divided between them as they pass and united to form a whole character or reign, and that of most of the French tragedies where a single important fact is adopted and the whole action, on the principle of unity, made to refer to it, the former has clearly the advantage above alluded to: that though any particular event or passion may be unnatural or not dramatic, however intimately connected with the interest, a whole life or reign cannot. Accordingly, we very often find a great degree of the actual interest of these productions depending on some character or event which is episodical and subsidiary. A ready answer to this, of course, is that the simplicity and unity of the action are destroyed, but without discussing the hard doctrine of the unities, it is certainly enough for us that art be as unique as nature itself. The order of events is not thus in reality. One great and important circumstance is not prepared, foreseen and produced by a thousand others acting in as regular and direct concert as the balance wheels of an engine, but passions and agents conflict, events of various degrees of importance occur and vary and modify the expected transactions of the time. And, although the attention must not be distracted by this variety, it would seem that the simplicity of an action is

carried too far when it becomes unnaturally distinct and naked.

The other objection we find to the plot, and which we will dismiss as soon as possible, is the means of its discovery. The motive of Bertram to betray the conspirators, personal gratitude to a young nobleman, is not, it appears, displayed with sufficient distinctness, and we think the scene of the disclosure not eminently successful. This, it should seem, should be a portion of the action, of vast interest. We have traced a powerful conspiracy against the state, boldly conceived, prudently conducted and long matured. As it were to insure its success, the chief of the republic with his family and retainers unites himself with it, and we witness the final council which is to be followed in a few hours by the fatal execution. It is natural to expect that the means by which all this is arrested should bear some relation, in point of dramatic effect, to the peril averted. For although the change of feeling in any individual must of course be always extremely disproportionate in importance to the danger of the state, abstractly considered, it became the duty of the poet to present in strong relief those personal motives which, at the time, have weighed more in the mind of the *delator* than his reason or his oath. In the scene between Bertram and Lioni we think this is not done. It seems as if so much important business had crowded on the poet in the two last acts (to use the phrase of the theatre) that he was forced to slur it. In this scene a gay young nobleman returns 'right weary from a revel,' and after a soliloquy most beautiful indeed and perfectly in character, observing *aloud* the calm beauty of the night, and contrasting it with the scene he had left, he is visited by a plebeian, a leader of the conspiracy, who comes to warn him to remain within during its execution. The character of this Bertram, as displayed in the third act and the tone of raillery with which he is at first treated by Lioni, render this part of the tragedy, in our opinion, far less impressive than was demanded.

For the reasons we have given we pass the scene following the declaration of the partial sentence. The torrent of angry reproach uttered by the prince against the nobles, mixed with a sentiment like remorse for having served them so long, is wonderfully impressive. The interview between the Doge and Angiolina, of which the following is the close, is, in our opinion, beautifully written.

Angiolina.—My lord, I look'd but to my father's wishes,
Hallow'd by his last words, and to my heart
For doing all its duties, and replying
With faith to him with whom I was affianced.
Ambitious hopes ne'er cross'd my dreams; and should
The hour you speak of come, it will be seen so.
Doge.—I do believe you; and I know you true:
For love, romantic love, which in my youth
I knew to be illusion, and ne'er saw
Lasting, but often fatal, it had been
No lure for me, in my most passionate days,
And could not be so now, did such exist.
But such respect, and mildly paid regard
As a true feeling for your welfare, and
A free compliance with all honest wishes;
A kindness to your virtues, watchfulness
Not shown, but shadowing o'er such little failings
As youth is apt in, so as not to check
Rashly, but win you from them ere you knew
You had been won, but thought the change your choice;
A pride not in your beauty, but your conduct,—
A trust in you—a patriarchal love,
And not a doting homage—friendship, faith—
Such estimation in your eyes as these
Might claim, I hoped for.
Angiolina.—And have ever had.
Doge.—I think so. For the difference in your years
You knew it, choosing me, and chose: I trusted
Not to my qualities, nor would have faith
In such, nor ornaments of nature,
Were I still in my five and twentieth spring;
I trusted to the blood of Loredano
Pure in your veins; I trusted to the soul
God gave you—to the truths your father taught you—
To your belief in heaven—to your mild virtues—
To your own faith and honor, for my own.
Angiolina.—You have done well.—I thank you for that trust,
Which I have never for one moment ceased
To honor you the more for.
Doge.—Where is honor,
Innate and precept-strengthen'd 'tis the rock
Of faith connubial; where it is not—where
Light thoughts are lurking, or the vanities
Of worldly pleasure rankle in the heart,
Or sensual throbs convulse it, well I know
'Twere hopeless for humanity to dream

Of honesty in such infected blood,
Although 'twere wed to him it covets most:
An incarnation of the poet's god
In all his marble-chisell'd beauty, or
The demi-deity, Alcides, in
His majesty of superhuman manhood,
Would not suffice to bind where virtue is not;
It is consistency which forms and proves it:
Vice cannot fix, and virtue cannot change.
The once fall'n woman must forever fall;
For vice must have variety, while virtue
Stands like the sun, and all which rolls around
Drinks life, and light, and glory from her aspect.
Angiolina.—And seeing, feeling thus this truth in others.
(I pray you pardon me;) but wherefore yield you
To the most fierce of fatal passions, and
Disquiet your great thoughts with restless hate
Of such a thing as Steno?
Doge.—You mistake me.
It is not Steno who could move me thus;
Had it been so, he should——but let that pass.
Angiolina.—What is 't you feel so deeply, then, even now?
Doge.—The violated majesty of Venice,
At once insulted in her lord and laws.
Angiolina.—Alas! why will you thus consider it?
Doge.—I have thought on't till——but let me lead you back
To what I urged; all these things being noted,
I wedded you; the world then did me justice
Upon the motive, and my conduct proved
They did me right, while yours was all to praise:
You had all freedom—all respect—all trust
From me and mine; and, born of those who made
Princes at home, and swept kings from their thrones
On foreign shores, in all things you appear'd
Worthy to be our first of native dames.
Angiolina.—To what does this conduct?
Doge.—To thus much—that
A miscreant's angry breath may blast it all—
A villain, whom for his unbridled bearing,
Even in the midst of our great festival,
I caused to be conducted forth, and taught
How to demean himself in ducal chambers;
A wretch like this may leave upon the wall
The blighting venom of his sweltering heart,
And this shall spread itself in general poison;
And woman's innocence, man's honor, pass

Into a by-word; and the doubly felon
(Who first insulted virgin modesty
By a gross affront to your attendant damsels
Amidst the noblest of our dames in public)
Requite himself for his most just expulsion
By blackening publicly his sovereign's consort,
And be absolved by his upright compeers.

Angiolina.—But he has been condemn'd into captivity.

Doge.—For such as him a dungeon were acquittal;
And his brief term of mock-arrest will pass
Within a palace. But I've done with him;
The rest must be with you.

Angiolina.—With me, my lord?

Doge.—Yes, Angiolina. Do not marvel; I
Have let this prey upon me till I feel
My life cannot be long; and fain would have you
Regard the injunctions you will find within
This scroll (*Giving her a paper*)——Fear not: they are for your advantage:
Read them hereafter at the fitting hour.

Angiolina.—My lord, in life, and after life, you shall
Be honor'd still by me: but may your days
Be many yet—and happier than the present!
This passion will give way, and you will be
Serene, and what you should be—what you were.

Doge.—I will be what I should be, or be nothing;
But never more—oh! never, never more,
O'er the few days or hours which yet await
The blighted old age of Faliero, shall
Sweet Quiet shed her sunset! Never more
Those summer shadows rising from the past
Of a not ill-spent nor inglorious life,
Mellowing the last hours as the night approaches,
Shall soothe me to my moment of long rest.
I had but little more to ask, or hope,
Save the regards due to the blood and sweat,
And the soul's labor through which I had toil'd
To make my country honor'd. As her servant—
Her servant, though her chief—I would have gone
Down to my fathers with a name serene
And pure as theirs; but this has been denied me.—
Would I had died at Zara!

Angiolina.—There you saved
The state; then live to save her still. A day,
Another day like that would be the best
Reproof to them, and sole revenge for you.

Doge.—But one such day occurs within an age;
My life is little less than one, and 'tis
Enough for Fortune to have granted *once*,
That which scarce one more favor'd citizen
May win in many states and years. But why
Thus speak I? Venice has forgot that day—
Then why should I remember it?—Farewell,
Sweet Angiolina! I must to my cabinet;
There's much for me to do—and the hour hastens.
Angiolina.—Remember what you were.
Doge.—It were in vain!
Joy's recollection is no longer joy,
While Sorrow's memory is a sorrow still.
Angiolina.—At least, whate'er may urge; let me implore
That you will take some little pause of rest:
Your sleep for many nights has been so turbid,
That it had been relief to have awaked you,
Had I not hoped that Nature would o'erpower
At length the thoughts which shook your slumbers thus.
An hour of rest will give you to your toils
With fitter thoughts and freshen'd strength.
Doge.—I cannot—
I must not, if I could; for never was
Such reason to be watchful: yet a few—
Yet a few days and dream-perturbed nights,
And I shall slumber well—but where?—no matter.
Adieu, my Angiolina.
Angiolina.—Let me be
An instant—yet an instant your companion;
I cannot bear to leave you thus.
Doge.—Come then,
My gentle child—forgive me; thou wert made
For better fortunes than to share in mine,
Now darkling in their close toward the deep vale
Where Death sits robed in his all-sweeping shadow.
When I am gone—it may be sooner than
Even these years warrant, for there is that stirring
Within—above—around, that in this city
Will make the cemeteries populous
As e'er they were by pestilence or war,—
When I *am* nothing, let that which I *was*
Be still sometimes a name on thy sweet lips,
A shadow in thy fancy, of a thing
Which would not have thee mourn it, but remember;—
Let us begone, my child—the time is pressing. [*Exeunt.*

After parting from Angiolina, the Doge repairs to the place of meeting, near the church where his ancestors are buried. The thoughts suggested to him by the hour of night, the remembrance of the characters of his ancestry, and the reflection on his present purpose, are surprisingly natural. He is then introduced to the meeting of the conspirators. The following is part of the passage alluded to above in the close of the third act.

'*Doge.*—Ye, though ye know and feel our mutual mass
Of many wrongs, even ye are ignorant
What fatal poison to the springs of life,
To human ties, and all that's good and dear,
Lurks in the present institutes of Venice:
All these men were my friends; I loved them, they
Requited honorably my regard:
We served and fought; we smiled and wept in concert;
We revell'd or we sorrow'd side by side;
We made alliances of blood and marriage;
We grew in years and honors fairly, till
Their own desire, not my ambition, made
Them choose me for their prince, and then farewell!
Farewell all social memory! all thoughts
In common! and sweet bonds which link old friendships,
When the survivors of long years and actions,
Which now belong to history, sooth the days
Which yet remain by treasuring each other,
And never meet, but each beholds the mirror
Of half a century on his brother's brow,
And sees a hundred beings, now in earth,
Flit round them whispering of the days gone by,
And seeming not all dead, as long as two
Of the brave, joyous, reckless, glorious band,
Which once were one and many, still retain
A breath to sigh for them, a tongue to speak
Of deeds that else were silent, save on marble——
Oime!—Oime! and must I do this deed?
Israel Bertuccio.—My lord, you are much moved: it is not now
That such things must be dwelt upon.
Doge.—Your patience
A moment—I recede not: mark with me
The gloomy vices of this government.
From the hour that made me Doge, the *Doge* THEY *made* me—
Farewell the past! I died to all that had been,
Or rather they to me: no friends, no kindness,

No privacy of life—all were cut off:
They came not near me, such approach gave umbrage;
They could not love me, such was not the law;
They thwarted me, 'twas the state's policy;
They baffled me, 'twas a patrician's duty;
They wrong'd me, for such was to right the state;
They could not right me, that would give suspicion;
So that I was a slave to my own subjects;
So that I was a foe to my own friends;
Begirt with spies for guards—with robes for power—
With pomp for freedom—gaolers for a council—
Inquisitors for friends—and hell for life!
I had one only fount of quiet left,
And *that* they poison'd! My pure household gods
Were shiver'd on my hearth, and o'er their shrine
Sat grinning ribaldry and sneering scorn.

* * * * *

Doge.—Bear with me! Step by step, and blow on blow,
I will divide with you; think not I waver:
Ah! no; it is the *certainty* of all
Which I must do doth make me tremble thus.
But let these last and lingering thoughts have way,
To which you only and the Night are conscious,
And both regardless; when the hour arrives,
'Tis mine to sound the knell, and strike the blow,
Which shall unpeople many palaces,
And hew the highest genealogic trees
Down to the earth, strew'd with their bleeding fruit,
And crush their blossoms into barrenness:
This will I—must I—have I sworn to do,
Nor aught can turn me from my destiny;
But still I quiver to behold what I
Must be, and think what I have been! Bear with me.

Israel Bertuccio.—Re-man your breast; I feel no such remorse,
I understand it not: why should you change?
You acted, and you act on your free will,

Doge.—Ay, there it is—*you* feel not, nor do I,
Else I should stab thee on the spot, to save
A thousand lives, and, killing, do no murder;
You *feel* not—*you* go to this butcher-work
As if these high-born men were steers for shambles!
When all is over, you'll be free and merry,
And calmly wash those hands incarnadine;
But I, outgoing thee and all thy fellows
In this surprising massacre, shall be,

Shall see, and feel—oh God! oh God! 'tis true,
And thou dost well to answer that it was
"My own free will and act," and yet you err,
For I *will* do this! Doubt not—fear not; I
Will be your most unmerciful accomplice;
And yet I act no more on my free will,
Nor my own feelings—both compel me back;
But there is *hell* within me and around,
And like the demon who believes and trembles
Must I abhor and do. Away! away!
Get thee unto thy fellows, I will hie me
To gather the retainers of our house.
Doubt not, Saint Mark's great bell shall wake all Venice,
Except her slaughter'd senate: ere the sun
Be broad upon the Adriatic, there
Shall be a voice of weeping, which shall drown
The roar of waters in the cry of blood!
I am resolved—come on.'

The next act opens with the scene between Bertram and Lioni already described, and closes with the arrest of Faliero and the dispersion of the conspirators. The last comprises the trial and execution, first of the leaders of the conspiracy and afterwards of the Doge. The duchess is present during Faliero's trial, and utters an affecting appeal to the council. The following is the concluding apostrophe of the Doge.

'*Doge.*—I speak to Time and to Eternity,
Of which I grow a portion, not to man.
Ye elements! in which to be resolved
I hasten, let my voice be as a spirit
Upon you! Ye blue waves? which bore my banner,
Ye winds! which flutter'd o'er as if you loved it,
And fill'd my swelling sails as they were wafted
To many a triumph! Thou, my native earth,
Which I have bled for, and thou foreign earth,
Which drank this willing blood from many a wound!
Ye stones, in which my gore will not sink, but
Reek up to Heaven! Ye skies, which will receive it!
Thou sun! which shinest on these things, and Thou!
Who kindlest and who quenchest suns!—Attest!
I am not innocent—but are these guiltless?
I perish, but not unavenged; for ages
Float up from the abyss of time to be,
And show these eyes, before they close, the doom
Of this proud city, and I leave my curse

On her and hers for ever!——— Yes, the hours
Are silently engendering of the day,
When she, who built 'gainst Attila a bulwark,
Shall yield, and bloodlessly and basely yield
Unto a bastard Attila, without
Shedding so much blood in her last defence
As these old veins, oft drain'd in shielding her,
Shall pour in sacrifice.—She shall be bought
And sold, and be an *appanage* to those
Who shall despise her!—She shall stoop to be
A province for an empire, petty town
In lieu of capital, with slaves for senates,
Beggars for nobles, panders for a people!
Then when the Hebrew 's in thy palaces,
The Hun in thy high places, and the Greek
Walks o'er thy mart, and smiles on it for his!
When thy patricians beg their bitter bread
In narrow streets, and in their shameful need
Make their nobility a plea for pity!
Then, when the few who still retain a wreck
Of their great fathers' heritage shall fawn
Round a barbarian Vice of Kings' Vice-gerent,
Even in the palace where they sway'd as sovereigns,
Even in the palace where they slew their sovereign,
Proud of some name they have disgraced, or sprung
From an adultress boastful of her guilt
With some large gondolier or foreign soldier,
Shall bear about their bastardy in triumph
To the third spurious generation;—when
Thy sons are in the lowest scale of being,
Slaves turn'd o'er to the vanquish'd by the victors,
Despised by cowards for greater cowardice,
And scorn'd even by the vicious for such vices
As in the monstrous grasp of their conception
Defy all codes to image or to name them;
Then, when of Cyprus, now thy subject kingdom,
All thine inheritance shall be her shame
Entail'd on thy less virtuous daughters, grown
A wider proverb for worse prostitution;—
When all the ills of conquer'd states shall cling thee,
Vice without splendor, sin without relief
Even from the gloss of love to smooth it o'er,
But in its stead coarse lusts of habitude,
Prurient yet passionless, cold studied lewdness,
Depraving nature's frailty to an art;—
When these and more are heavy on thee, when

Smiles without mirth, and pastimes without pleasure,
Youth without honor, age without respect,
Meanness and weakness, and a sense of wo
'Gainst which thou wilt not strive, and dar'st not murmur,
Have made thee last and worst of peopled deserts,
Then, in the last gasp of thine agony,
Amidst thy many murders, think of mine!
Thou den of drunkards with the blood of princes!
Gehenna of the waters! thou sea Sodom!
Thus I devote thee to the infernal gods!
The and thy serpent seed!
[*Here the* Doge *turns, and addresses the executioner.*]
Slave, do thine office!
Strike as I struck the foe! Strike as I would
Have struck those tyrants! Strike deep as my curse!
Strike—and but once!
[*The* Doge *throws himself upon his knees, and as the executioner raises his sword the scene closes.*']

We do not know if Lord Byron believes like Cowper, that it is necessary to *introduce* harsh and prosaic lines to relieve the monotony of blank verse, but many of them are certainly to be found. It is strange that Cowper should have taken up the idea* that it was necessary to *attempt* to be harsh and unmusical. With a language formed on the originals that ours is, it is not, at any rate, a very difficult task to relieve the monotony of too great sweetness by irregular lines, but on the contrary, we are confident a sufficient relief to the harmony of any poet's language will be found in the nature of the northern dialects, without looking far or long for harsh consonants and unmusical accents. This system of neglect of quantity and arrangement seems to be carried a little too far. There can be no question that the poetry of Pope, for instance, when flowing with constant regularity, and the cesura falling in the same place in every line with undeviating certainty, which regularity he evidently bestows as the last merit on the passages intended to be most impassioned, is unfavorable to the complete expression of strong emotion. Uniformity in all works of art, confers the pleasure of exciting the idea of the triumph of art, and in pure description or enumeration, this regularity may also be agreeable from the impression of order and distinctness it cannot but give:

* Preface to Cowper's Homer.

'Warms in the sun | refreshes in the breeze,
Glows in the stars | and blossoms in the trees,
Lives through all life | extends through all extent,
Spreads undivided, | operates unspent.'

The antithesis and enumeration expressed in these lines, render the plain and strong division of the cæsura rather pleasant than otherwise. Can the reader, however, conceive of passages like the following, from Childe Harold, being *set off* into regularly recurring metrical periods of this kind, without losing all their sublimity?

'Arches on arches | as it were that Rome,
Collecting all the trophies | of her line,
Would build up all her triumphs in one dome,
Her Coliseum stands.'

Here one can hardly mark the place for the cæsura, particularly in the second line, where any pause seems unnecessary.

After all this, however, the modern poets, in seeking the reverse of wrong, have in many instances fallen into a style far more unpleasant than the regularity of Pope, since it is equally unnatural and more negligent. Who could believe, for instance, that the following lines were 'measure and rhyme' and still more were Moore's, whose *songs* so often 'rob the Hybla bees, and leave them honeyless?'

'Then I sing the wild song, which once 'twas rapture to hear, when our voices, both mingling, breathed like one on the ear; and as echo far off through the valley my sad orison rolls, I think, oh my love, 'tis thy voice from the kingdom of souls faintly answering still the notes that once were so dear.'*

Lord Byron has carried that disregard of scrupulous regularity, which, when restrained by rhyme, was so successful and sublime in Childe Harold, much too far in the blank verse of this poem. The lines constantly terminate with an unaccented and unimportant monosyllable, producing the most prosaic effect:

'Is doom'd to expiate his rash insult with—'
'But if his insults sink no deeper in—' &c.

* Irish Melodies. We believe it is in the preface to the 'National Airs' that Moore professes to sacrifice 'metre and even sense to his wild music.' Without entrenching at all on the province of the composer, we may express our surprise that any air can be more beautiful, because the words which are sung in it are nonsense.

The frequent recurrence of lines like these and the following is unpleasant:

'I can see no one not even a patrician.'

'By the reference of the Avogadori.'

'Against the Genoese, which is still maintained.'

'As well had there been time to have got together.'

The poet is not sparing of colloquial familiarities. The following sounds like the subscription to a letter of civility:

'imploring you
In all things to rely upon my duty
As doth become your near and faithful kinsman,
And not less loyal citizen and subject.
Exit.'

And however impatient the prince might have been, we venture to say, if he had spoken English, he would not have said,

'From me fear nothing: *out with it.*'

We are not sure, on the whole, that the method of the English dramatists, of uniting prose and poetry in the same performance, is not necessary to avoid the unfavorable effect produced, either by reciting indifferent and low circumstances in lofty language, or introducing poetry of a level with themselves. As to destroying the unity of the composition, not to speak of the example of the great teachers of unity, we hardly know how the passage above, and many others, can lay claim to the name of poetry but from the number of syllables, and nothing indeed could be more ludicrous than the attempt to add the dignity of poetry to such circumstances as an indifferent and formal ceremony of parting.

In the preface to this tragedy, Lord Byron gives the 'Mysterious Mother' the praise of being a *Roman* performance, in that it is not a '*puling love-play.*' We have already alluded to the unaccountable prejudice on this subject, and were it wholly past, however it might be a subject of wonder, it could hardly call for animadversion. Yet, even now it is thought an hazardous enterprise to undertake a play without at least attaching a love-plot to it, and though the author of Waverly (as he chooses to be called) has done much, romance is still claimed exclusively by this species of interest. We, of course, cannot bestow either the epithets or the sentiment of Lord Byron

on many beautiful performances; yet it would seem from theory and appears from the effect, that instead of claiming the exclusive interest of scenic compositions, this passion should have been contented with a subordinate influence on the public stage. The most important effects on our happiness, produced by the social affections, are undoubtedly those, which retire to the solitude of domestic content or disappointment. It is not easy to suppose any thing less adapted for the exaggeration of dramatic effect than either. The repose and peace of the one, and the peculiar associations attached to suffering in the other, would seem to be least of all the natural subjects of the free exposure of the theatre. The stage is the only perfect criterion of dramatic performances, and let it be supported with the greatest purity and talent possible, one need only bring the question to this test to have it answered. The best acting, supported by the most willing sympathy of the spectators, can hardly support the love-scenes of any tragedy, and the moment we destroy the effect produced by the associations of delight in the poetry which we enjoy from having read the performance, this tediousness is converted into disgust. Not the Venus when in the dress and with the attributes of Alecto, as she was sometimes painted, seems less attractive than a dramatic heroine, whose sentiments and character are distorted and exaggerated to the proper stage effect. Accordingly, we find that this interest is seldom long employed successfully, but when in connexion or opposition to the more distinct and obvious motives and passions. Juliet has seen her lover but a few hours when his approaching fate from his public crime stamps his countenance, in her eyes, with the impress of the tomb, and Belvidera is first introduced as the pledge of her husband's fidelity to his treason against the republic. With the ancients this is even more extensively true than with us, and the political revolutions or religious destiny of the drama's persons sternly overrule the conflicts of the social passions. Much of this is to be attributed to their habits of private society, as to the reserve imposed on the female sex, which gives the effect of the irresolution of Hamlet to the timidity of Electra. It seems, however, if the unity and simplicity of the drama, which Lord Byron justly values so highly, are to be restored to the severity of the Grecian model, there cannot be a more obvious step than to bestow on the public and domestic passions their ap-

propriate influence. It is something to provide with scrupulous accuracy that no time be left to be employed by the imagination, that the drama's persons are carefully brought on every different enterprise to the same hall, and that the attention is never distracted by any variety of action; but it is more necessary to unity that the sentiments and habits of different characters should be observed, and that not be publicly exhibited, which if it escaped from the inmost recesses of solitude in actual life would be phrensy or folly. This is perhaps illustrated in the Berenice, in the preface to which Racine declares, that though he can meet all objections to the action, still that on which he most congratulates himself is the reflection, that he has attained that simplicity which was so much to the taste of the ancients.

When united or opposed to the sources of dramatic interest, we all know how powerful is the attraction of love in the drama. Yet this will not explain and cannot justify the theory of its relative importance, as a source of theatrical effect, which in the drama of one people has enshrined it as the sole muse of the stage, and in that of their national rival has demanded its presence, as invariably necessary to poetical effect. It would have seemed as if those who held this theory had never heard of conquests or kingdoms, of the desolation of countries and the revolutions of empires, the waves of the mighty tide, which sweeps on 'kings, consuls, and Cæsars' to their fate. They could not have reflected on the causes and events of such changes, their influence on the character of the agents, the conflicts of public and private duty, the struggles of mental freedom and chivalric submission, which have enslaved or emancipated nations. Those who denied tragedy to be adapted but to one passion must have been reckless spectators indeed of the mighty tragedies on the theatre of empires. It would seem that they could not have witnessed one age building up all the treasures of commerce and the refinements of art, and the next opening the gates of the North to a merciless and resistless invasion. They could not have gazed on the portentous veil which covers the destiny of the world, sometimes lifted for a moment to disclose the agents and engines of approaching convulsion, and then dropped till the moment of desolation arrives. When such a theory is adopted we reject as unpoetical the glorious actions of all who have fought the great contest of improvement, against powerful vice and

enthroned ignorance, against the gigantic resources of whole empires wielded by

> 'the venal band
> Who are to judge of danger which they fear,
> And honor which they do not understand.'

It is well for us in this country that we have no such fixed associations on this subject to combat, and that with whatever effect the passion of love may be employed by an American poet, he need not fear, from any prejudices of theory to attempt the success of appealing to the sympathy felt by the human breast in the great actions of those, who have improved or defended society.

Before closing this article we would make an extract somewhat amusing from the preface to the tragedy.

'It is now four years, that I have meditated this work; and before I had sufficiently examined the records, I was rather disposed to have made it turn on a jealousy in Faliero. But perceiving no foundation for this in historical truth, and aware that jealousy is an exhausted passion in the drama, I have given it a more historical form. I was besides well advised by the late Matthew Lewis, on that point, in talking with him of my intention, at Venice in 1817. "If you make him jealous," said he, "recollect that you have to contend with established writers, to say nothing of Shakspeare, and an exhausted subject; stick to the old fiery doge's natural character, which will bear you out, if properly drawn; and make the plot as regular as you can." Sir William Drummond gave me nearly the same council. How far I have followed these instructions, or whether they have availed me, is not for me to decide. I have had no view to the stage; in its present state it is, perhaps, not a very exalted object of ambition; besides, I have been too much behind the scenes to have thought it so at any time. And I cannot conceive any man of irritable feeling putting himself at the mercies of an audience; the sneering reader and the loud critic, and the tart review are scattered and distant calamities; but the trampling of an intelligent or of an ignorant audience on a production, which, be it good or bad, has been a mental labor to the writer, is a palpable and immediate grievance, heightened by a man's doubt of their competency to judge and his certainty of his own imprudence in electing them his judges. Were I capable of writing a play which could be deemed stage-worthy, success would give me no pleasure, and failure great pain. It is for this reason that even during the time of being one of the committee of one of the theatres, I never made

the attempt, and never will.* But surely there is dramatic power somewhere, where Joanna Baillie, and Milman, and John Wilson exist. The "City of the Plague," and the "Fall of Jerusalem," are full of the best *materiel* for tragedy that has been seen since Horace Walpole, except passages of Ethwald and de Montfort. It is the fashion to underrate Horace Walpole; firstly, because he was a nobleman, and secondly, because he was a gentleman; but to say nothing of the composition of his incomparable letters, and of the Castle of Otranto, he is the "ultimus Romanorum," the author of the "Mysterious Mother," a tragedy of the highest order, and not a puling love-play. He is the father of the first romance, and of the last tragedy in our language, and surely worthy of a higher place, than any living writer, be he who he may.'

* 'While I was in the sub-committee of Drury Lane theatre, I can vouch for my colleagues, and I hope for myself, that we did our best to bring back the legitimate drama. I tried what I could to get De Montfort revived, but in vain; and equally in vain in favor of Sotheby's Ivan, which was thought an acting play; and I endeavored also to wake Mr Coleridge to write a tragedy. Those, who are not in the secret, will hardly believe that the School for Scandal is the play, which has brought *least money*, averaging the number of times it has been acted, since its production; so manager Dibdin assured me. Of what has occurred since Maturin's Bertram, I am not aware; so that I may be traducing, through ignorance, some excellent new writers; if so, I beg their pardon. I have been absent from England nearly five years, and, till last year, I never read an English newspaper since my departure, and am now only aware of theatrical matters, through the medium of the Parisian Gazette of Galigniani [an English newspaper printed in Paris] and only for the last twelve months. Let me then deprecate all offence to tragic and comic writers, to whom I wish well, and of whom I know nothing. The long complaints of the actual state of the drama arise, however, from no fault of the performers. I can conceive nothing better than Kemble, Cook, and Kean, in their very different manners, or than Elliston in *gentleman's* comedy, and some parts of tragedy. Miss O'Neil I never saw, having made and kept a determination to see nothing, which should divide or disturb my recollection of Siddons; Siddons and Kemble were the *ideal* of tragic action; I never saw any thing at all resembling them even in *person*; for this reason, we shall never see again Coriolanus or Macbeth. When Kean is blamed for want of dignity, we should remember that it is a grace and not an art, and not to be attained by study. In all not supernatural parts, he is perfect; even his very defects belong, or seem to belong, to the parts themselves, and appear truer to nature. But of Kemble we may say, with reference to his acting, what the cardinal de Retz said of the Marquis of Montrose, "that he was the only man he ever saw, who reminded him of the heroes of Plutarch."'

ART. XII.—*The American Journal of Science and Arts, conducted by Professor Silliman.*

WE should think ourselves much to blame, did we allow any vague notion of the delicacy to be observed by periodical works in noticing each other, to prevent our asking the attention of the American public to Mr Silliman's Journal of Science and the Arts. There is no occasion to enter critically into a survey of its contents, nor does the scientific public among us stand in need of our testimony to its respectability. But as a work, which does honor to American science, and as a vehicle of imparting to the world the scientific speculations and discoveries of our countrymen which is held in honorable esteem by the philosophers of Europe, we cannot but express the hope, that this journal will attract a greater patronage than our community has hitherto done itself the credit of bestowing upon it. We should find it hard to name a literary enterprise in America more likely to be an instrument of raising the reputation of our country abroad, in those departments to which it is devoted. There ought to be, moreover, and we doubt not there is, a class of readers large enough in the United States, who are sufficiently versed in philosophical studies to find pleasure and instruction in the pages of such a journal. And if its plan and objects prevent it from assuming that popular form, which would recommend it to wider favor with the miscellaneous class of readers, we would still beg leave to commend to the consideration of those of them who feel an interest in the intellectual character of our country the strong claims on their patronage of a work of this kind, and the sort of duty which, in our judgment, devolves on all who have the ability, to promote the success of a publication like this, the rather for the abstract and scientific character which a portion of its contents must necessarily assume and which costs it a share of popularity. We should augur ill for the cause of elevated studies among us, if nothing can succeed with our reading community but miscellaneous, desultory literature, studiously fashioned to the taste of the day. At the same time, we would not be thought to intimate, that the Journal of Science is of an arid and repulsive cast; but judging from the numbers published, we can venture to promise our readers much information from its pages on various topics with which no well educated man, of

any profession or taste, can advantageously remain unacquainted. We beg leave to extract from the last number of this journal the preface to the third volume, which will assist our readers in judging to what degree it is desirable, that an increased patronage should be extended to this work.

'The third volume of this work being now completed, all concerned in its success will naturally wish some account of its situation and prospects. The experiment of an original American Journal of Science is novel, and it is but reasonable to allow sufficient time to the community to become informed as to the nature of the enterprise before we can expect them to feel interested in its prosperity. The question whether it is to be supported by adequate pecuniary remuneration, is not one which can be hastily decided. It must require several years from the commencement of the work, and the editor, (if God continues his life and health,) will endeavour to prove himself neither impatient nor querulous, during the time that his countrymen hold the question undecided, *whether there shall be an American Journal of Science and Arts.* Another person may conduct it better, and to such an one, the task would be, without hesitation, resigned. But it is due to our numerous and highly respectable band of contributors to say, that no successor, however meritorious, can hope to be better supported. That the Journal is appreciated abroad, in a manner gratifying to its friends, is sufficiently evinced by the numerous extracts from it in the periodical scientific works of Europe, by the readiness to exchange, evinced by the Editors of foreign Journals, and by letters on the subject, addressed to the editor of the American Journal, from scientific and literary men abroad. Among them are the names of the late Dr John Murray of Edinburgh, of Dr Thomas Thomson, now Regius-Professor of Chemistry &c. in the University of Glasgow, of Mr Tilloch of London, editor of the Philosophical Magazine, of Mr Julien, editor of the Revue Encyclopédique, and of Mr Brongniart, both of Paris; of Professor Germar and Sweigger of the University of Halle in Germany, and of Professor Berzelius of Stockholm. From one of these private communications, we shall presume so far on the indulgence of the author, and of the public, as to cite a single paragraph.*

'Dr Thomson, speaking of the first five numbers of the American Journal, (which were all that he had then seen) says; "I hail it as a commencement of American scientific periodical works, and have no doubt from the valuable matter which you have already

* 'One other passage is selected from Mr Brongniart's letter. [See p. 218 of this Vol.']

presented us with, that America will rival the most scientific countries in the old world." The citing of this passage would be inconsistent with decorum, were not the commendation of this illustrious author, and teacher, and editor, chiefly the property of our contributors, and but in a small degree our own. The celebrated Professor Ferrara of the University of Palermo in the Island of Sicily, speaking on the subject of American Science, said recently to a friend of the editor, that he "did not doubt that the Sciences and Arts would, before long, pass to America in their highest perfection, and that we should ere long succeed to Asia and Europe, in the literary empire of the world."

'But, on the other hand, we are now bound in justice to the interests of American Science, not to withhold from its patrons the fact, that the two first volumes of this Journal have been, thus far, *in a pecuniary view, losing concerns.* The proprietors of the first volume have not yet received back the money which they have expended—nor is the editor yet repaid, simply for the paper, printing and engraving of the second volume, and that upon the supposition that all the money is collected from the contractors for quantities.

But it is some relief to add, that the patronage, during the past year, has been *gradually,* but on the whole *regularly,* increasing, and, as it now stands, will probably just about cover the expense of the materials and mechanical labor of the the third volume. Nothing has ever been paid for contributions to the pages of the work; to the honor of our scientific friends, they have contributed their gratuitous labors with cheerfulness and perseverance, and the scientific public, both at home and abroad, have already decided favorably on their productions.

With this simple statement of facts, we now dismiss the subject, after expressing our determination, notwithstanding all discouragements, to proceed, cheerfully, and with good courage, in our labor, contented also to relinquish it whenever others will more faithfully and successfully perform it, or our country shall have clearly decided that it does not approve, or will not support our undertaking.'

May, 1821.

QUARTERLY LIST OF NEW PUBLICATIONS.

Agriculture.

Address to the Farmers of the United States, on the ruinous consequences to their vital interests of the existing policy of this country. By M. Carey. 8vo, pp. 84. Philadelphia.

The Farmer's and Planter's Friend. 8vo. Philadelphia.

Massachusetts Agricultural Repository and Journal, No. 4, Vol. vi.

Memoirs of the Board of Agriculture of the State of New York. Published by authority. Vol. 1st, 8vo. Albany.

Botany.

Specimen Floræ Americæ Septentrionalis Cryptogamicæ à L. D. De Schweiniz D. P. Raleigh, N. C.

Geography.

Sketches, Historical and Topographical, of the Floridas; more particularly of East Florida. By James Grant Forbes. N. York.

Memoir on the geography, and natural and civil history of Florida, attended by a map of that country, &c. By William Darby. Philadelphia.

Grammar.

A Hebrew Grammar with a copious Syntax and Praxis. By M. Stuart. Andover.

History.

A discourse on the early history of Pennsylvania. By P. S. Du Ponceau. Philadelphia.

An Anniversary Discourse, delivered before the New York Historical Society, December 7, 1818. By G. C. Verplanck, Esq. Second edition. 8vo, pp. 100. New York.

An Historical Sketch of the Convention of the Congregational Ministers in Massachusetts; with an account of its funds; its connexion with the Massachusetts Congregational Charitable Society; and its rules and regulations. 8vo, pp. 32. Cambridge.

Law.

Reports of Cases argued and determined in the Supreme Judicial Court of the Commonwealth of Massachusetts. Vol. XVI. Commencing with the Eastern Circuit 1819, and ending with October Term 1820, in Norfolk. By Dudley Atkins Tyng, Esq. Counsellor at Law. 8vo. Cambridge.

A Vindication of the laws limiting the rate of interest on loans from the objections of Jeremy Bentham and the Edinburgh Reviewers. Richmond.

Syllabus of a course of Lectures on Law, proposed to be delivered in the University of Maryland. By David Hoffman. Baltimore.

Medical.

The Pharmacopœia of the United States of America, 1820. By the authority of the Medical Societies and Colleges. 8vo, pp. 272. Boston.

Brief Sketch of the causes and treatment of diseases; addressed to the people of the United States. By Samuel Thompson. 12mo. Boston.

Account of the Yellow or Malignant Fever, as it occurred in the city of Philadelphia in 1820. By Samuel Jackson, M. D.

Inaugural discourse on Medical Education. By Nathan Drake, M. D. President of the Medical College at Ohio. Cincinnati.

Miscellaneous.

An Address to William Tudor, Esq. author of Letters on the Eastern States, intended to prove the calumny and slander of his remarks on the Olive Branch. 12mo, pp. 67. Philadelphia.

The Idle Man. 8vo, pp. 57. New York.

State Prisons and the Penitentiary System vindicated, with observations on managing and conducting these institutions; drawn principally from experience,—also some particular remarks and documents relating to the Massachusetts State Prison. By an Officer of this establishment at Charlestown. 8vo, pp. 63. Charlestown.

Report upon Weights and Measures. By John Quincy Adams. 8vo, pp. 245. Washington.

The Noble Slaves; or the lives and adventures of two Lords and two Ladies, being a history of remarkable events. By Mrs Aubin. 18mo. Boston.

The Hermit in Philadelphia. Second series. By Peter Atall.

Report of the civil and military engineer of the State of South Carolina, for the year 1819.

Plans and progress of internal improvement in South Carolina, with observations on the advantages resulting therefrom to the Agricultural and Commercial interests of the State.

Report of the Board of Public Works to the legislature of South Carolina for the year 1820.

Dissertations on the importance and best method of studying the original languages of the bible, by Jahn and others, tranlated from the originals, with notes. By M. Stuart. Andover.

Politics.

The Republican; or a series of essays on the principles and politics of free states. By W. C. Jarvis. Pittsfield.

Reports of Societies.

Report of the Bible Society of Massachusetts, prepared for the anniversary of the Society, June 7th, 1821.

Sixth Report of the Middlesex Bible Society. 8vo, pp. 16. Boston.

Theology.

Dispassionate Thoughts on the subjects and mode of Christian Baptism, in a series of letters addressed to the Rev. Mr ——. By Jacob Norton. 8vo, pp. 76. Boston.

Second and third Letters to the Rev. Samuel Miller, D. D. on his charges against Unitarians. 12mo, pp. 36. Baltimore.

Sermon delivered before the Convention of the Congregational Ministers in Massachusetts at their annual meeting in Boston, May 30, 1821. By Elijah Parish, D. D. 8vo, pp. 20. Cambridge.

A Pastoral Letter, addressed to the members of the Protestant Episcopal Church in the Eastern Diocess. By the Rt. Rev. A. V. Griswold, D. D. 8vo, pp. 68. Boston.

Sundry Documents addressed to St Mary's Congregation. 8vo, pp. 30. Philadelphia.

Sermon delivered February 28, 1821, at the Installation of the Rev. Calvin Hitchcock, as pastor of the First Congregational Church and Society in Randolph. By Warren Fay, A. M. 8vo. pp. 32. Boston.

Pastoral Letter of the Rt. Rev. Dr England, Roman Catholic Bishop of Charleston, to his flock in the States of North and South Carolina and Georgia. 8vo, pp. 12. Charleston.

Sermon, delivered in Haverhill, December 22, 1820, being the second Centesimal Anniversary of the Landing of the New England Fathers. By Joshua Dodge, A. M. 8vo. Haverhill.

Sermon, delivered before his Excellency John Brooks, his Honor William Phillips, the honorable Council, and the two Houses composing the Legislature of Massachusetts, on the Anniversary Election. By Henry Ware, D. D. 8vo. Boston.

Sermon, delivered at the Ordination of the Rev. Asa Cummings to the pastoral care of the First Church in North Yarmouth. By William Allen, A. M. 8vo. Brunswick.

Sermon, delivered at the Old South Church in Boston, at the Ordination of the Rev. Benjamin B. Wisner. By Leonard Woods, D. D. 8vo. Andover.

Evils of Intemperance, a Sermon preached at Hallowell, on the day of the annual Fast in Maine, April 12, 1821. By Eliphalet Gillet. 8vo. Hallowell.

A Discourse, delivered at the Ordination of the Rev. Elijah

Demond, as pastor of the Church and Congregation in West Newbury. By Warren Fay, A. M. 8vo, pp. 81. Boston.

Sermon, delivered before the Society for Promoting Christian Knowledge, at their annual meeting, May, 1821. By D. T. Kimball. Cambridge.

Travels.

Narrative Journal of Travels through the north-western regions of the United States, extending from Detroit, through the great chain of American Lakes, to the source of the Mississippi river,—performed as a member of the expedition under Gov. Cass in the year 1820. By Henry Schoolcraft. Embellished with a Map and eight copper plate Engravings. 8vo, price $3. Albany, 1820.

American Editions of English Works.

Pure Religion recommended as the only way to happiness; or dangerous prevailing errors exposed, and gospel truths vindicated; in a series of Dialogues. By Rev. J. Thornton. 18mo, pp. 250. Boston.

The application of Christianity to the commercial and ordinary affairs of Life. By Thomas Chalmers. 12mo, pp. 216. Boston.

An Essay on the Evils of Popular Ignorance. By John Foster, First American edition, divided into chapters and sections with general heads. 12mo, pp. 300. Boston.

A Mother's Journal during the last illness of her daughter, Sarah Chisman, with a preface. By Jane Taylor. Boston.

Works of Rev. Samuel Shaw, Minister of the Gospel in London. 2 vols. 12mo. Boston.

Natural Theology, or a demonstration of the being and attributes of God, from his works of Creation. By William Enfield, M. A. 18mo. Hartford.

The Antiquary, by the author of Waverly &c. 1 vol. 8vo, being the third volume of Parker's uniform edition. Boston.

Memoirs of the Court of Queen Elizabeth. By Lucy Aikin. 2 vols. 8vo, price $4. Boston.

Marino Faliero, Doge of Venice. A tragedy in 5 acts. By Lord Byron. 18mo. New York.

The Doctrine of Life for the New Jerusalem, from the commandments of the decalogue. Translanted from the Latin of Emanuel Swedenborg. Originally published at Amsterdam in the year 1763. From the fifth London edition. 18mo, pp. 125. Boston.

In the press.

The Greek Grammar of P. Buttmann, translated from the German. By Prof. Everett.

NOTE TO CORRESPONDENTS.

Communications on the Course of Mathematics for the University at Cambridge; on Schoolcraft's Journal; on the Proceedings of the Legislature of Maryland relative to the appropriation of public lands for the purposes of education; and the 'Vindication of the laws limiting the rate of interest on loans, from the objections of Jeremy Bentham and the Edinburgh Reviewers,' have been necessarily omitted in this number of the North American Review.

ERRATA IN THIS NUMBER.

Page 136, line 8 from the bottom, for Messrs Murray, Draper & Co. read Messrs Murray, Fairman & Co.
Page 130, line 6 from the bottom, for *agamous* read *cryptogamous*.

ERRATA IN THE LAST NUMBER.

Page 402 line 11 for *unthinking* read *unshrinking*.
— 404 — 6 — *reverend* — *reverent*.
— 405 in the middle; for *remembrances* read *remembrancers*.

NORTH AMERICAN REVIEW.

No. XXXIII.

NEW SERIES, No. VIII.

OCTOBER, 1821.

ART. XIII.—*The first part of the Institutes of the Laws of England, or a Commentary upon Littleton, &c. By Sir Edward Coke. First American from the sixteenth European edition.* Philadelphia, 1812. 3 vols. 8vo.

IT is a serious misfortune to the student of our law, that we possess no detailed account of most of the great luminaries of the science, in a form accessible to ordinary readers. While the civilians can produce many valuable works intended to guide the inquiries of the beginner through the mazes of Roman jurisprudence, and at the same time gratify his curiosity with regard to the writers themselves whose names stand in the title page of the books given him to peruse, we, on the contrary, have little knowledge of the immense mass of books and authors composing our juridical treasures, excepting what can be gleaned from the meagre columns of a bookseller's catalogue, or the voluminous repositories of general history and biography. Hoffman's Course of Study does something towards supplying this deficiency; but the whole subject has been consigned to such unworthy neglect, that it still remains almost an unwrought field for the researches of the jurist. We have placed the title of the much improved American edition of sir Edward Coke's Commentary upon Littleton before this article, in order to add our mite to the department of legal biography, by laying before our readers some account of the life and writings of the distinguished commentator.

Sir Edward Coke was born in the year 1550, at Mileham, in the county of Norfolk. His father Robert, a gentleman of good family and an eminent barrister, died whilst this his only son was young, leaving him the heir of a large fortune. Edward was first sent to the free school of Norwich, thence removed to Cambridge, and after residing at the university about four years entered as student of the Inner-Temple. The quick penetration and sound judgment, which he there displayed, occasioned his being called to the bar at an early period, namely, after a novitiate of six years, which was then accounted a very extraordinary mark of approbation. The first cause in which he appeared in the court of queen's bench, as we learn from his own report of it, was in 1578, in the twenty-eighth year of his age.* About the same time he was appointed reader of Lyon's Inn, and so continued for three years, during which space his lectures were very much resorted to, in consequence of which his reputation and practice increased so rapidly, that, before he had been long at the bar, he paid his addresses to a lady of one of the first families and best fortunes in his native county. This lady, Bridget, daughter and coheiress of John Paston, he shortly after married, receiving with her thirty thousand pounds and becoming allied to some of the best houses in the kingdom.

From this time he continued to rise with unexampled rapidity; the cities of Coventry and Norwich chose him their recorder, he was engaged in all the great causes of Westminster hall, acquired the favour of the lord treasurer Burleigh, and was frequently consulted on the queen's affairs. His large estate and great credit in the county of Norfolk recommended him to the freeholders of that county and procured his election as knight of the shire, in which capacity he distinguished himself so much as to be made speaker in the parliament held in the thirty-fifth year of Elizabeth.† He was then queen's solicitor, from which post he was soon advanced to that of attorney-general.

Mr Coke, becoming a widower by the death of his wife shortly after he received the appointment of attorney-general, paid his addresses to another lady of rank and fortune, the lady Hatton, relict of sir William Hatton, and sister of Thomas lord Burleigh, the oldest son of the lord treasurer Burleigh.

* The case of Lord Cromwell in Coke's Rep. pt. iv, f. 14, a.
† D'Ewes Journal of Parliament, p. 469.

This second marriage, which took place in 1598, proved very unhappy, and even the celebration of it caused the parties no little vexation. So much notice was taken of irregular marriages this year, that archbishop Whitgift had signified to the bishops of his province that he expected they would be diligent in bringing to prosecution all persons, who should be guilty of any irregularity in the celebration of marriage. Whether it was that the attorney-general did not advert to this circumstance, or that he looked upon the quality of lady Hatton and of himself and the consent of her family as setting them above such restrictions,—they were married in a private house without either bans or license. Hereupon a prosecution was commenced in the archbishop's court against them, lord Burleigh, the rector who officiated at the marriage, and several other persons, for contempt of the authority of the church; but on their submission by proxies they were absolved from the penalties, which they had incurred, because, says the record, they had offended, not from contumacy, but from ignorance of the law in this particular. The prosecution does not seem to have proceeded from any personal animosity of the archbishop's; on the contrary, this prelate is known to have had great esteem for Coke; and when the latter was appointed queen's attorney, Whitgift sent him a copy of the New Testament, with a message to this effect, that *he had now studied common law enough, and should thereafter study the law of God.* Nor is it probable that Coke intended to slight the church by his informal marriage, because he was always a firm friend to the church and the clergy; which is apparent from an extraordinary vote of thanks given him under seal by the chapter of the cathedral church of Norwich for his gratuitous and unsolicited exertions in preserving many of the estates of the chapter from the illegal practices of persons claiming them under pretence of concealments; as also from his liberality in the bestowment of the numerous benefices in his gift, in regard to which he frequently declared, among the many other memorable sayings of his which are recorded, that *he would have church-livings pass by livery and siesin, not by bargain and sale.*

Of the numerous distinguished lawyers, who flourished in the latter part of the reign of Elizabeth, Yelverton, Philips, Fleming, Crooke, Bacon, Popham, Anderson, Dodderidge, Hobart and many others, none was treated with greater res-

pect in his profession or in private life than Coke, as queen's attorney; for he was consulted by the ministry in all matters of difficulty, and furnished them with a legal color for some of their proceedings, which might otherwise have been esteemed unjust and extraordinary. The most important affair, in which he was officially concerned at this time, was the prosecution of the unfortunate earl of Essex, who, together with his kinsman the earl of Southampton, was brought to trial before the lords in the year 1600, for his ill-advised attempt to stir up the city of London to rebel and assist him in getting possession of the queen's person by force of arms. The evidence against these noblemen was full and decisive, and their guilt unquestioned; but they constantly accused the attorney-general, who conducted the prosecution for the crown, of misinterpreting their motives, pressing them with undue severity, abusing the ears of the lords with slanderous charges, and acting from a desire to subserve the personal enmity of the ministers toward the accused, rather than from a sincere regard to justice. The earl of Essex especially complained of being talked out of his life by corrupt orators; and Southampton, in his defence, said to Coke: *you urge the matter very far and you wrong me therein; my blood be upon your head.* But although the attorney-general sometimes addressed these noblemen with considerable sharpness in the course of the trial, he does not seem, from the report of it which we have in the State Trials and in Camden's Elizabeth, to have extended their crime any further than he was borne out in doing by the law and the evidence.

As Coke had been in habits of intimacy and confidence with the ministers at the close of Elizabeth's reign, so he continued in the beginning of the next; there is even good reason to believe that the proclamation of king James and other state-papers of this period, were drawn up by him; and although he was not so eager, as were many persons of inferior rank, to gain admission to James, yet when the new king, on account of his peaceable accession, entertained the principal gentlemen of his kingdom at Greenwich (1603), he, together with Henry Lee, the lord mayor, and John Crooke, recorder of London, received the honor of knighthood.

In the same year happened the famous trial of sir Walter Raleigh on a charge of high treason before a court of special commissioners at Winchester; in the management of which

trial sir Edward Coke treated Raleigh with such intemperate and overbearing violence, as left an indelible blot upon his character. The whole plot, in which Raleigh was charged with being implicated, is now, as it was then, involved in the deepest mystery; and whether he was guilty or not, it is certain that the evidence produced at the trial was wholly insufficient, not to say palpably absurd; and the verdict must have been obtained from the jury by foul means in order to gratify the resentment of the king and his ministers against sir Walter. But the virulent abuse heaped on Raleigh by the attorney-general is no less remarkable than the weakness of the proofs on which the conviction was founded. Sir Edward Coke was not merely contented with continually styling Raleigh a notorious traitor, but even went so far as to bestow such epithets as *viper*, *monster*, *spider of hell*, *vile and execrable traitor*, *odious fellow and damnable atheist*, upon one of the most gallant and accomplished gentlemen of England, who both as a scholar and as a soldier deserved to be accounted the pride of his country, and who has rendered himself forever memorable in the history of our own, by his noble exertions in the discovery and settlement of America. The customs of that age, indeed, allowed great severity on the part of public officers toward state-criminals, the hardship of whose situation in this respect was much aggravated by their being denied counsel and obliged to reply to the charges brought against them without any preparation for defence; but sir Edward's zeal for the cause of justice, or obsequiousness to the crown, appears, in this case, to have hurried him beyond all bounds, so that on one occasion he treated the court itself with indecency. For when lord Cecil, one of the commissioners, interrupted sir Edward Coke, and, as some authors affirm, rebuked him for his conduct with much asperity, sir Edward immediately sat down and refused to speak any more, until he was urged and entreated to proceed by the commissioners, when, after much difficulty, he again rose and recapitulated all the evidence in a manner still more offensive than before his interruption.*

Sir Edward Coke's behavior in this trial raised up many enemies against him at the time, and has been justly and universally condemned ever since; but he retrieved his credit soon afterwards by his vigilance and sagacity in unravelling

* See Oldy's Life of Raleigh prefixed to his History of the World, and the State Trials.

the flagitious and monstrous project known by the name of the powder-treason, and by his admirable skill in managing the trial of the conspirators. At the trial of Garnet, especially, he gave such convincing proofs of his extensive capacity and solid judgment, as induced lord Cecil, now become earl of Salisbury, to say, in regard to the speech of the attorney general, that *he had never heard such a mass of matter better contracted or made more intelligible to a jury;* and the best judges in later times have confirmed his opinion, all accounting this speech sir Edward Coke's master-piece in forensic oratory.

In remuneration of his services on this and other occasions, the next year (1606) he was called to the degree of sergeant at law, preparatory to his being immediately afterwards made chief justice of the court of common pleas. It has been observed that the motto, which he gave upon his rings as sergeant, *lex est tutissima cassis*, proved very applicable to his subsequent fortune. By his promotion he made way for sir Henry Hobart to succeed him as attorney-general, which enabled sir Francis Bacon to attain the post of solicitor. It appears from a letter,* which Bacon wrote to Coke just before

* This letter is so curious and pertinent, that we think it worth extracting. It is contained in Bacon's Works, vol. iii, p. 234, and is as follows:

'Mr Attorney,

'I thought best, once for all, to let you know in plainness what I find of you, and what you shall find of me. You take to yourself a liberty to disgrace and disable my law, my experience, my discretion. What it pleaseth you I pray think of me; I am one that know both mine own wants and other men's, and it may be, perchance, that mine mend, when others stand at a stay. And surely I may not endure, in public place, to be wronged without repelling the same to my best advantage to right myself. You are great, and therefore have the more enviers, which would be glad to have you paid at another's cost. Since the time I missed the solicitor's place, the rather I think by your means, I cannot expect that you and I shall ever serve as attorney and solicitor together; but either to serve with another at your remove, or to step into some other course: so as I am more free than ever I was from any occasion of unworthy conforming myself to you, more than general good manners, or your particular good usage, shall provoke; and if you had not been short-sighted in your own fortune, as I think, you might have had more of me. But that time is passed. I write not this to show my friends what a brave letter I have written to Mr Attorney. I have none of those humors. But that I have written is to a good end, that is, to the more decent carriage of my master's service, and to our particular better understanding one of another. This letter, if it shall be answered by you in deed, and not in word, I suppose it will not be worse for us both; else it is but a few lines lost, which for a much smaller matter I would have adventured. So this being to yourself, I for my part rest,' &c.

This letter is supposed to have been written in 1606, shortly before the appointment of sir Edward to the Common Pleas.

these several appointments took place, that sir Francis had repeatedly sought for the station of solicitor in the last reign and the present, and attributed his failure in not obtaining it to the bad offices of Coke; which circumstance shows the origin and cause of the animosity that, as we shall presently see, grew up between these great men, and prompted them to harass and mortify each other whenever they could find an opportunity. After sir Edward Coke had served as chief justice of the common pleas a little over seven years with great probity and sufficiency, and as it seems without any desire to change, he was removed to the king's bench, ostensibly, indeed, because it was alleged that his great abilities might be more useful to the king in the latter situation, but in reality, as it has been supposed, through the intrigues of sir Francis Bacon, who was now in favor with the king, and who thus procured the place of attorney-general by the appointment of sir Henry Hobart to the common pleas in the room of sir Edward Coke. Sir Edward was also sworn of the privy council a few weeks afterwards (1613), although he had never shown himself a friend to the boundless prerogative claimed by the king, and in some particular cases thwarted the wishes of his master, which afforded sir Francis Bacon occasion to represent him in a rather unfavorable light to king James. Thus, when the king once desired to procure from the judges an extra-judicial opinion with regard to a supposed case of treason, sir Francis Bacon, who was chosen to manage the business, easily succeeded with the other judges of the king's bench, but met with an obstacle in sir Edward Coke, whose constant maxim it was to be *a judge in a court and not in a chamber*, and who, therefore, notwithstanding the dexterity and address of Bacon, returned an answer so little satisfactory, that sir Francis told the king he was glad to send it in the chief justice's hand-writing for his own discharge. Another time, however, when Oliver St John was sentenced to fine and imprisonment by the star-chamber (1615) for opposing a benevolence set on foot by the king, the chief justice delivered his opinion of the law very strongly for the benevolence, and might perhaps have thereby recovered the good graces of his master if this act of compliance had been more seasonable.

In the same year (1615) was discovered the poisoning of sir Thomas Overbury in the tower; and as the chief justice, by

reason of his office, was obliged to be peculiarly active in bringing the offenders to punishment, and thus incurred the hatred of the many powerful persons implicated in the earl of Somerset's crime or injured by this minion's fall, we are not to wonder that his conduct in the whole affair was violently censured and grossly misrepresented by many of the contemporary historians. He was personally directed by the king to investigate the circumstances of the murder, so soon as the perpetration of it was known, and, at his own request, was joined in commission with several noblemen, in order that they might share the heavy responsibility, which he foresaw must attend such a scrutiny. In detecting the persons concerned in this dreadful tragedy, the chief justice proceeded with equal vigor and caution and with unwearied diligence, taking several hundred examinations, until all the subordinate agents in the murder were convicted upon the most ample evidence.* Notwithstanding the aspersions thrown out against sir Edward Coke for his conduct in this business, we have the highest authority for believing it to have been every way worthy of his exalted station and character, and that authority is the public declaration of his capital enemy sir Francis Bacon, who, in a speech before the court of star-chamber in the course of the proceedings, made use of the following memorable words: *This I will say of him*, that is of sir Edward, *and I would say as much to ages if I should write a story, that never man's person and his place were better met in a business than my lord Coke, and my lord chief justice in the cause of*

* Roger Coke's Detection, pp. 78, 79. This passage containing a curious notice of sir Edward's private life, we will extract part of it.—'When sir Ralph (Winwood) came to Royston and acquainted the king with what he had discovered about sir Thomas Overbury's murder, the king was so surprised herewith, that he posted away a messenger to sir Edward Coke to apprehend the earl. I speak this with confidence, because I had it from one of sir Edward's sons. Sir Edward lay then at the temple, and measured out his time at regular hours, two whereof were to go to bed at nine o'clock and in the morning to rise at three. At this time sir Edward's son and some others were in sir Edward's lodging, but not in bed, when the messenger about one in the morning knocked at the door, where the son met him and knew him. Says he: I come from the king and must immediately speak with your father. If you come from ten kings, he answered, you shall not; for I know my father's disposition to be such, that if he be disturbed in his sleep, he will not be fit for any business; but if you will do as we do, you shall be welcome, and about two hours hence my father will rise and you then may do as you please; to which he assented. At three sir Edward rung a little bell to give notice to his servant to come to him, and then the messenger went to him and gave him the king's letter,' &c.

*Overbury.** But shortly after this, on the arraignment of sir Thomas Monson, one of the gentlemen charged with Overbury's murder, the chief justice dropped insinuations obscurely intimating that the death of Overbury had in it something of retribution, as if Overbury had been guilty of poisoning the deceased prince Henry. Whereupon, as men were led to suspect the king privy to the murder of Overbury, the king was so deeply incensed that the trial of Monson was laid aside and himself discharged, and sir Edward Coke severely rebuked for his indiscretion.

The king's displeasure on account of what the chief justice said was not a little heightened by the famous dispute concerning the jurisdiction of the court of chancery, between sir Edward Coke and the lord-chancellor Ellesmere, and still more by the business of the *commendams*, in which last the king conceived his sacred prerogative to have been very profanely handled; both of which happening nearly at the same time (1615, 1616) concurred, avowedly at least, to produce the disgrace of sir Edward Coke. For although sir Edward's activity in detecting the murderers of Overbury, and his consequent knowledge of the facts, rendered his assistance indispensably necessary to the king in convicting the earl and countess of Somerset, yet no sooner was this affair ended, than the enemies of the chief justice resolved upon effecting his downfal.

The dispute concerning the jurisdiction of chancery arose chiefly out of a statute of Edward III, which inflicted the penalties of a *præmunire* upon all persons, who should question or impeach, *in the court of another*, any judgment given in the king's courts. Now the right interpretation of the words *in the court of another*, or as the original has it *en autrui court*, is that they were designed to prohibit appeals from the king's courts to the legatine or other courts of Rome. The reason of the thing, as well as historical records, confirms this interpretation; but a doubt was started in the reign of James I, whether these words, or some others equally general in different statutes, did not prevent appeals from the common law courts to any other tribunal excepting the high court of parliament. Sir Edward Coke, who was very jealous of his authority, and his associates on the bench, thought it did; and

* State Trials, 2d ed. vol. i, p. 324.

therefore justice Crooke gave it in charge to the grand jury of Middlesex, among other things, that they should present any man, who, after a judgment rendered, had drawn that judgment to a new examination in any other court. Accordingly, on the last day of the term, indictments were preferred against suitors, solicitors, counsel, masters, and assessors in chancery, charged with a *præmunire* for making, conducting and deciding an appeal in two cases adjudged in the king's bench. These cases, as there adjudged, happened unfortunately to be cases of foul and manifest injustice. The first was that of Courtney against Glanville, as reported in the books,* where Courtney, who was a young gentleman, bought of Glanville a jewel represented by the latter to be worth £360, and as security for the payment of the purchase-money agreed to confess judgment in an action of debt on bond in the court of king's bench. Afterwards it appearing that the real value of the jewel was £20, and, on a writ of error being brought to reverse this judgment, the court affirming it,—Courtney exhibited his bill in chancery for relief against the bond : whereupon a release was decreed, and the defendant in chancery imprisoned for non-performance of the decree, but immediately discharged by a writ of *habeas corpus* returnable in the court of king's bench. The other case, of Bowles and Allen, was still more iniquitous. The defendant had prevailed upon the plaintiff's most material witness to withhold his testimony provided he could be excused. An agent of the defendant's, who undertook to manage this, carried the witness to a tavern, called for a gallon of sack in a pot, and, bidding him drink, as soon as the man had put the flagon to his lips, quitted the room. When the witness was called, the court was informed he was unable to come; to prove which the defendant's agent was produced, who swore that *he left him in such a condition, that, if he continued in it but a quarter of an hour, he was a dead man.* The witness was therefore excused by the court, and for want of his testimony the cause was lost, and a verdict given for the defendant. Upon this a bill was brought in chancery for relief, to which the defendants refusing to make answer were committed for contempt of court. Such being the facts in evidence before the grand jury, when the defendants in chancery preferred their indictments, the jury, consisting as it

* See the case in Bulstrode's Rep. ii, 301; Moor's Rep. 833; Rolle's Abridg. i, 111; Croke's Jacob. 343.

seems of substantial and intelligent persons, refused to find the bills, and, although twice sent back by the court, resolutely persisted in their refusal. The matter excited the more notice from the circumstance that lord Ellesmere was at this time dangerously ill, and, although he afterwards recovered, was generally believed to be dying on this very day; and it now made so much noise, that it was brought before the king in council. It was referred by him to sir Francis Bacon, sir Henry Yelverton, sir Henry Montague, sir Ranulph Crewe and sir John Walter, and, after an examination of precedents, they supported the jurisdiction of the chancellor in an elaborate decision, which put the question at rest, and seems to have been at least acquiesced in by the chief justice himself as well as the soundest lawyers of the kingdom.*

Sir Edward Coke is generally allowed to have been much in the wrong for endeavoring to maintain the jurisdiction of his court by such violent measures, and was afterwards accused at the council-board of uttering very reprehensible language on the subject from the bench. But in the business of the *commendams* he seems to have demeaned himself with a spirit of dignity, firmness, and independence, which redounds as much to his honor as the pusillanimity of the other judges does to their disgrace.

This celebrated case of the *commendams*, even more curious in its connexion with the history of the administration of justice in England than that which we have just detailed, was the following. John Clifton and William Glover brought a writ of *quare impedit* against Richard, bishop of Coventry and Litchfield, of a presentation to the church of Clifton Camville. The plaintiff's declaration made out a good title to the advowson in them; but the bishop's plea recited, among other matters of defence, that his metropolitan having granted him a dispensation from the statute of pluralities, the king, to whom

* See a full statement of this affair in a tract printed in the Collectanea Juridica, v. i. n. 2. See likewise Wilson's Life of James in Kennet's History, vol. ii, p. 704; Bacon's Letters in his Works, v. iii, p. 284, and the cases cited in Bacon's Abridgment, v. iii, p. 139. Many curious circumstances regarding it are also collected in the notes to the Biographia Britannica. Although sir Edward, as he could not avoid doing, acquiesced in the king's decision, yet he was not convinced that he had done wrong. In his Pleas of the Crown, c. 54, Premunire, pp. 122—125, he maintains that a judgment rendered in the king's bench could not be lawfully examined in chancery, and after citing precedents to that effect, says that the privy seal was 'obtained by the importunity of the then lord-chancellor being vehemently afraid.'

it accrued by lapse to present to the benefice in question, did accordingly present the defendant to hold the same in *commendam.* Various important questions grew out of this case, in arguing which in the court of common pleas the king was informed by Bilson, bishop of Winchester, who attended the trial at the king's desire, that the counsel for the plaintiffs had maintained several positions highly injurious to his royal prerogative, namely, that the translation of bishops was contrary to the common law, and that the king had no power to grant *commendams* but in cases of necessity, which necessity could never happen, because no clerk was bound to hospitality beyond his means, and therefore in no case could there be need of augmentation of livings. James took alarm at these dangerous doctrines, and, determined not to suffer any more discussion of points so nearly concerning his royal dignity, commanded the attorney-general, sir Francis Bacon, to signify his pleasure to the lord chief justice, that he held it necessary himself should be consulted before any further proceedings were had in the cause, which was shortly to have been argued before all the judges in the exchequer-chamber. Bacon, who seems to have acted as the chief adviser of the king in all these measures, accordingly wrote a letter to the chief justice (April 25, 1616), imparting the king's wish that the day for hearing the argument might be deferred. Sir Edward Coke, on receiving this letter, requested of the attorney-general that the like should be sent to his brethren; which being done, all the judges assembled and unanimously came to the resolution of doing their duty exactly as if the letters had not been written. Afterwards they sent a letter under their hands to the king in justification of their conduct, certifying that they conceived obedience to the letters of the attorney-general to be inconsistent with their oaths, inasmuch as they were expressly sworn to pay no regard to any letters that should come to them contrary to law, and that, the case in question being a private difference between subjects and as such earnestly calling for expedition, they considered it would be an unlawful delay and denial of justice to defer the cause: wherefore they had proceeded, according to their duty, following what to the best of their judgment they understood to be the meaning of the acts of parliament provided in this behalf. The king immediately replied that, as he would not have his royal prerogative wounded through the side of a subject, and as he held

the alleging their oaths only an impertinent pretence, therefore he peremptorily commanded them to meddle no more with the matter until they were apprized of his pleasure from his own mouth. No sooner was the king returned to the city, than all the judges were sent for to the council-table (June 6th 1616). After the king had narrated the above facts, he began by reprimanding the judges for their remissness in suffering a counsellor at the bar to impeach his prerogative, telling them it was their duty to check and bridle these impudent lawyers, who bore so little respect to the authority of the crown. Next, as to their letter, he acquainted them that to defer the hearing of a cause upon sufficient reasons was neither a denial nor a delay of justice; it rather indicated wisdom and matureness of proceeding; and there could never be a better reason for staying a cause than a desire to consult the king in a matter concerning his prerogative. Then he denied that the case involved merely a private interest betwixt party and party, since the royal prerogative was openly, directly, and largely disputed at the bar; nay by virtue of that very prerogative alone did the defendant claim to hold his benefice in *commendam*. Lastly, he observed that it was a new thing for subjects to disobey the king's express command, and most of all for them to justify their disobedience by returning a bare certificate, instead of modestly laying down their reasons and then submitting the whole to his princely judgment. When the king had made this declaration, all the judges acknowledged the faultiness of their letter in respect to the *form*, and on their knees begged pardon of the king for their error. But sir Edward Coke entered into a defence of the *matter* of the letter, maintaining that the delay required would have been a denial of justice, and adding that the judges meant the case should be handled so that the royal prerogative should in no wise be questioned. The king answered that it was preposterous for them to take on themselves peremptorily to discern whether his prerogative was concerned, without asking his advice on the subject; and, as to the rest, he called upon the lord-chancellor to deliver his opinion upon the legality of the delay. Lord Ellesmere, excusing himself from declaring his sentiments at present, desired that his majesty's counsel might first deliver theirs: upon which the attorney-general, of course, defended the king, and the other counsel concurred, for the reasons already advanced by the king. This widened the

breach still more; for sir Edward Coke complained of the king's counsel for disputing with the judges, saying they were to plead before the judges, not to dispute with them; to which sir Francis Bacon returned, that, by his oath of office, he was explicitly bound to proceed against any person whatever, should he be the greatest peer in the realm, who exceeded the limits of his authority or invaded the rights of the crown; and therefore he deemed the challenge of the chief justice to be an affront, for which he and his fellows appealed to the king for reparation. To this appeal the king replied, that his counsel had done their duty and he would maintain them in it; which ended the controversy; for sir Edward immediately said he would not dispute with his majesty; and the lord-chancellor then pronounced the king's requisition to have been no violation of the judges' oath or of the laws. All the lords of the council then put the question to the judges, commanding them to say whether if, in any case depending before them, the king conceived his interest to be concerned, and therefore desired to be consulted, they would accordingly stay the proceedings. The judges all answered in the affirmative, excepting sir Edward Coke, who merely said: *when the case shall be, I will do what is fit for a judge to do.* Sir Henry Hobart was so complying as to say that, for his part, he would ever trust the justice of his majesty's command. After all this discussion was over, the king made the judges promise that, in the farther argument of the *commendams*, they would carefully abstain from whatever tended to weaken or draw into doubt his prerogative, nay, would in plain terms correct the bold speeches already made in derogation thereof, and never again permit them to recur.* Satisfied with the recantation and ample assurances of the eleven judges, the king allowed the cause to proceed, and judgment was finally entered for the plaintiffs.

Such was the termination of the case of *commendams*, than which few have excited more commotion, because on the one hand the church was incensed to find the courts looking into their evasions of the law against pluralities, and the king was yet more incensed that one of his prerogatives should be

* All the proceedings in council are printed in Collectanea Juridica, vol. i, n. 1, and in Bacon's Works, vol. iii, p. 311. See likewise Bacon's Letters, Ibid. p. 305. The case which occasioned the difficulty is very fully reported in Hobart's Rep. p. 140.

openly attacked as illegal; and on the other hand every friend of liberty was shocked to perceive the power of the crown directly interposed for the determination of a private suit between subjects, and to see the judges personally outraged for acting according to their best understanding of the established laws of the kingdom.

Sir Edward Coke's enemies no longer thought it necessary to keep any measures with him; for his manly conduct before the council was easily distorted into a contumacious opposition to the royal authority. The king seems even to have entertained a petty jealousy of his popularity and influence. The lord-chancellor could not forgive sir Edward's conduct with regard to the jurisdiction of the courts. The council was very much offended with him, also, for his laudable attempt, a little while before, to limit the exorbitant power claimed by the commissioners of sewers: for this inferior court demanded for its proceedings a freedom from examination every where but in the council; whereas the king's bench had countenanced, as it was right they should do, several persons in bringing actions at common law on account of some arbitrary doings of the commissioners.* As there was now a fixed design of humbling sir Edward, in which many powerful men were embarked, it was not difficult to foresee that his great integrity, his unshaken courage and his admirable parts would prove too weak to shield him, when his personal enemies were to sit in judgment upon him, with an arbitrary and irritated king for his accuser. Accordingly, being sent for by the council, arraigned on his knees, and charged with indecent language in the king's bench concerning the court of chancery, and undutiful behaviour to the king in the affair of the *commendams*, he was sequestered from the council-table and forbidden to ride the summer-circuit as justice of assize. James, in his wisdom, also undertook to criticise sir Edward's Reports, which were already published, telling him that many extravagant opinions were there set down for positive law; and the weak-minded pedant, who then held the sceptre of three kingdoms, condescended to find fault with the title-page of the tenth Report, because sir Edward, according to the immemorial usage of his predecessors, sanctioned by

* Moor's Reports, pp. 825, 826; Blackstone's Commentaries, vol. iii, p. 73. The act of council on the subject may be found in Callis' Reading on the Statute of Sewers, p. 76.

divers acts of parliament,* therein styled himself chief justice of England. To complete sir Edward Coke's humiliation, Suffolk, the lord treasurer, insolently reflected on him for allowing his coachman to ride before him bareheaded, imputing it to sir Edward as an arrogant assumption of state, which he was not entitled to challenge. Sir Edward's removal followed soon after (Nov. 1616), the place of chief justice of the king's bench being given to sir Henry Montague.

With regard to the disgrace of sir Edward Coke, it is remarkable that those persons, who were most active in bringing it about, were personally benefited by his removal. Sir Francis Bacon had long been opposed to him, from a cause already stated, and was, moreover, not a little apprehensive that sir Edward would be thought a more eligible person than himself to succeed the lord-chancellor Ellesmere. Sir Henry Montague, who was another of the king's counsel and one of those to whom the dispute between the courts was referred, was promoted to the office of chief justice in the room of sir Edward. Sir Henry Yelverton, the solicitor-general, was a servant of the Howards and owed his promotion to Somerset, and therefore had private differences with sir Edward Coke on account of the business of Overbury; and he favored Bacon's suit for the great seal in order to obtain the post of attorney-general. If these facts are not enough to lead us to suspect the motives of those, who produced the downfal of sir Edward Coke, we shall be satisfied of the true cause of it by referring to Bacon's Letters,—an authority, which, in an affair so nearly concerning the writer, must be considered absolutely incontestable. According to the statements in these letters it appears that, during the earl of Somerset's prosperity, sir Edward Coke agreed, on the resignation of the then incumbent, sir John Roper, to admit two persons to hold the lucrative office of chief clerk for enrolling pleas in the king's bench in trust for the favorite. Upon the fall of Somerset, an overture was made to the chief justice by sir Francis Bacon, that he should admit trustees for the new favorite, sir George Villiers, afterwards duke of Buckingham; to which sir Edward made no other reply than that *he was old and could not struggle.* This being understood to signify compliance, sir John Ro-

* See the rolls and statutes to this effect cited in the third Institute, pp. 74, 75.

per immediately surrendered (July 1616) and received the title of lord Teynham as a recompense. But sir Edward Coke was now of another mind; and the office being entirely at his disposal, he intimated a design of making use of it to augment the salaries of the judges in his court; at which Villiers was so much exasperated that he caused sir Edward's suspension to be changed into removal, for the purpose of finding a more accommodating chief justice; and it was then made a preliminary condition to sir Henry Montague's appointment, that he should enter into a written obligation to admit the trustees of Villiers.

Thus it was that the ornament of English jurisprudence was sacrificed to the intrigues and avarice of a court minion. Not that sir Edward Coke was wholly free from imperfections as a judge; for he was frequently charged with, what it is probable enough was among his faults, a tendency to pride and imperiousness of deportment. But that he was eminently incorrupt in the administration of justice none can deny; and that he was guilty of no misconduct, which called for high censure, is plain from the circumstance that he might have been restored to his office, if he could have humbled himself to comply with the requisitions of Buckingham.

The great consequence, which sir Edward Coke's wealth, rank, and talents gave him, and the activity of his disposition, prevented his continuing long in disgrace. A few months after his displacement, having business with sir Ralph Winwood, secretary of state, who was known to have great interest with Buckingham, he voluntarily proposed to sir Ralph what he had before discountenanced when attempted by the lady Hatton, a match between the earl's brother, sir John Villiers, and his own youngest daughter. The proposal, being communicated to Buckingham, then attending upon the king in Scotland, met with his approbation. But it soon appeared that the match, notwithstanding the greatness of the persons interested in promoting it, was not in a way to proceed with facility; and this domestic arrangement not only occasioned great disquietude in sir Edward Coke's family, but in process of time ripened into an affair of state. For lady Hatton, displeased with her husband for his former opposition to this match, and resenting his present endeavor to dispose of her daughter without her leave, carried away the young lady and concealed her in the house of sir Edmund Withipole. Sir

Edward Coke immediately wrote to Buckingham to procure a warrant from the privy council for the restoration of his daughter, but in the mean time, ascertaining where she was lodged, he went with his sons and took her away by force. Upon this lady Hatton appealed to the privy council. As the lord-keeper, Bacon, was fearful of losing the favor of Buckingham by this match, he opposed it to the utmost, and thereby incurred the very danger he was trying to avoid; for Buckingham highly resented this proceeding, and his mother, the lady Compton, lost all patience and treated the lord-keeper with great indignity. Sir Francis Bacon, notwithstanding, encouraged the attorney-general to file an information in the star-chamber against sir Edward Coke, on the complaint of lady Hatton. But harmony was brought about in a short time by means of the two ladies, Hatton and Compton, who came to an understanding on the subject, in consequence of which the suit in the star-chamber was suspended, sir Edward Coke and his lady partially reconciled, and sir Francis Bacon restored to the good graces of Buckingham. The very day of the king's return from Scotland (Sept. 15th 1617), sir Edward Coke was restored to favor, reinstated in his place of privy-counsellor, and admitted to much private conference with the king. Soon after this, sir John Villiers married his daughter with great splendor at Hampton-Court; but sir Edward was obliged to give his daughter a very large fortune and thus pay dearly for the honor of an alliance with Buckingham. Lady Hatton also made considerable settlements in favor of sir John Villiers on the same occasion, and by this liberality recovered her freedom: for at the time of the marriage she was confined upon the complaint of sir Edward. The quarrel between them still continued to be manifested in various ways. Soon after her release, she entertained the king, the duke of Buckingham, and the whole court, without inviting her husband. Many letters of sir Edward and lady Hatton, written at this time, are still preserved, in which they show great resentment towards each other; and the difference proceeded to such extent, that we find lord Houghton was committed for having, in conjunction with lady Hatton, framed some scandalous libels on sir Edward Coke. Several years elapsed before the parties were at length reconciled, by the mediation of the king (July 1621).

As a privy-counsellor, sir Edward Coke was now treated

with great consideration, and engaged in many important commissions, of which he acquitted himself to the entire satisfaction of his master. His old enemy, sir Francis Bacon, now lord-chancellor, seeing sir Edward thus highly esteemed and apparently aiming at the post of lord-treasurer, dropped his animosity and began to represent him in a more favorable light to the duke of Buckingham and king James. Sir Edward is charged with making use of his power, during this turn in his affairs, to punish his former persecutors; and it is very certain that, in several instances, he was enabled to make them feel the weight of his resentment, although he does not seem ever to have sought for such opportunities. As instances of this we may notice the cases of lord Suffolk and sir Henry Yelverton, both of whom, as we have seen, were enemies of sir Edward Coke. While the latter, as privy counsellor, was commissioned to sit in the court of star-chamber, Suffolk and his lady underwent a severe prosecution for corruption; and sir Edward, acted a distinguished part in the investigation of their crime. Not long afterwards sir Henry Yelverton was prosecuted in the same court, for inserting some clause in a charter for the city of London without any warrant; and on this occasion sir Edward Coke is affirmed to have made a long and bitter speech in the star-chamber, and then pronounced a heavy sentence, which, however, the rest of the court mitigated. If sir Edward did allow his personal feelings to influence his opinion in these cases, we shall presently see that he conducted very honorably and delicately with regard to another distinguished criminal, who had formerly been opposed to him, namely, the lord-chancellor St Albans.

The king's affairs at this period (1621) absolutely requiring a parliament to be called, the lord-chancellor undertook to prepare things for the meeting, and received every assistance from sir Edward Coke; but when the parliament was assembled, it appeared that sir Edward, who was returned a member, intended to do very differently from what was expected of him by the court; for he spoke very warmly in the many debates in this parliament on the subject of freedom of speech, on the increase of popery, and on the abuses of prerogative. In the charges, which the same parliament made against the lord-chancellor, sir Edward was on the committee for preparing the articles, and conducted himself mildly, but with firmness; so that we may believe the animosity once subsisting

between these eminent men was now entirely extinguished; and happy would it have been for them both, if, instead of indulging it so long, they had always conspired to promote only the good of their common country. The vigorous proceedings of the commons on account of the imprisonment of sir Edwin Sandys by the king, for his activity in the house, having produced a rupture between the king and commons, in consequence of which the principal members of the house were imprisoned or despatched upon some foreign mission, we find that sir Edward Coke and sir John Philips were committed to the tower as the two leading men in the opposition (Dec. 27, 1621). Sir Edward's chambers in the temple were also broken open and his papers delivered to sir Robert Cotton to examine. A week or two afterwards (Jan. 6, 1622) the parliament was dissolved. On the very day of its dissolution an attempt was made by the ministry to prove sir Edward guilty of misconduct in the affair of the earl of Somerset, but without success; whereupon he was again sequestered from the council, James being so much incensed as to say that *he was the fittest instrument for a tyrant that ever was in England*,—with how much truth the cause in which sir Edward suffered will bear witness. We will mention one more remarkable fact, which, at the same time, shows the hostility of the court to sir Edward, and the estimation in which he was held by one of the most eminent of his contemporaries. After sir Edward's chamber had been searched and he himself expelled the council, a prosecution was set on foot against him by the court for a pretended debt of old standing due sir William Hatton. A trial was had, but nothing being proved, notwithstanding the industry of his old antagonist, sir Henry Yelverton, a verdict was given for the defendant. When a brief in this cause was offered to the prince's attorney-general, sir John Walter, afterwards chief baron of the exchequer, he rejected it with these memorable words: *Let my tongue cleave to the roof of my mouth whenever I open it against sir Edward Coke.*

What it was, that occasioned such a sudden revolution in sir Edward Coke's sentiments and converted him from a confidential servant of the crown into one of its warmest opponents, it is impossible at this day to ascertain. There is some reason to suppose, however, that the death of his friend, sir Ralph Winwood, which happened not long before this change, deprived him of his firmest support in the council and with

the king. Perhaps he became disgusted with the arbitrary measures pursued by the ministry; for we know that he always leaned to the popular side, when first in power; which circumstance prejudiced king James against him almost from the beginning, and was among the ostensible causes of sir Edward's removal from the post of chief justice of the king's bench. Whatever may have been the motives of sir Edward's conduct, it is certain that he was now one of the most zealous defenders of the rights of the commons, so that, beside his exclusion from the council, the king gave him some commission to perform in Ireland (1625), according to the practice of those days, in order to remove him from court and keep him in a kind of honorable banishment. How sir Edward excused himself from this employment, we are no where told: perhaps the short-lived popularity of the duke of Buckingham this year, which was so great that sir Edward Coke, in the house of commons, complimented him with the title of *savior of the nation*, disarmed the court of a portion of its vindictiveness towards the parliamentary leaders. But sir Edward did not seek to be restored to place, and remained out of favor at the demise of king James.

At the beginning of the next reign, the new king was so much prepossessed against sir Edward as to refuse him admittance to his presence when sir Edward would have waited upon him in testimony of duty and loyalty; and when the court found it necessary to summon a parliament for supplying the wants of Charles, sir Edward Coke, to prevent his being chosen, was nominated sheriff of the county of Bucks. He did all that he could to avoid serving, and for that purpose took exceptions against the oath, which he transmitted to the attorney-general; but the council and judges thought only one of the five objections reasonable, in respect to which the oath was amended. Sir Edward was accordingly compelled to serve, and he, venerable as he now was from his great age, attended the judges at the assizes, who had himself been chief justice of England.* But in the third parliament of this reign (1628) sir Edward was elected knight of the shire for the county of Bucks, with augmented popularity, and augmented zeal against the crown, on account of the persecution he had undergone. In this parliament were sir Francis Seymour, sir Thomas

* Rushworth's Collection, i, p. 197.

Wentworth, sir Robert Philips, sir John Eliot, sir Miles Hobart, sir Peter Heyman, Pym, Selden, Hollis, Valentine, and many others, who, like sir Edward Coke, were embittered against the court by personal wrongs, as well as by their patriotism. Among them sir Edward was preeminent for the service he did his country, not only by speaking freely for the redress of grievances, arguing boldly in vindication of the freedom of the subject, and strenuously maintaining the privileges of the house of commons,—but also more particularly by proposing and framing the celebrated PETITION OF RIGHTS.* When the debates happened in the same parliament concerning the duke of Buckingham, sir Edward Coke, then nearly eighty years old, took the lead by citing precedents in support of the right of the house to proceed against any subject, how exalted soever in rank, for misleading the king, and finished by declaring his firm belief that the duke was the sole cause of the miseries of the nation, and of all the disasters that had befallen the kingdom. Whether it was that the patriots of that age were more in earnest than at present, or that the temper of the times inclined and authorized public speakers to indulge in greater exhibitions of feeling,—we are informed that sir Edward Coke was forced to sit down, when he began this speech, through abundance of tears, whilst other members were so much oppressed with grief as to be incapable of joining in the discussion at all. But after sir Edward Coke had broken the ice by denouncing the duke of Buckingham, an acclamation of applause burst from the house, which, it is well known, the next day presented the king a spirited remonstrance against the conduct of the duke of Buckingham.

Sir Edward's exertions in this parliament closed his political career. After its dissolution he retired to his house at Stoke-Pogey in Buckinghamshire, where he spent the remainder of his life in quiet seclusion, universally respected and esteemed; and there he died, September 3d, 1634, in the eighty-fifth year of his age, expiring with these words on his lips, *thy kingdom come, thy will be done.* Whilst he lay upon his death-bed, sir Francis Windebanke came, by virtue of an order of council, to search his house for seditious papers, and carried away his four Institutes, together with fifty-one other

* Rushworth's Collection, vol. i. p. 558.

manuscripts, and his will, in which he had made provision for his family. The books and papers were kept until the year 1641, when one of the sons of sir Edward moved in the house of commons that the papers taken by sir Francis Windebanke might be restored to his brother, sir Robert Coke, which the king permitted, and such as could be found were delivered up to the family; but the will was either lost or destroyed.

Sir Edward left a numerous posterity to inherit his fame and wealth, having seven sons and three daughters by his first wife and two daughters by his second: to whom he left such large possessions, that Fuller, in his Worthies of England, says all his sons might seem elder brethren. His family has ever since been of great consequence, and in the reign of George I his descendant and representative in the male line, sir Thomas Coke, was ennobled by the title of baron Lovell, and afterwards raised to the superior rank of viscount Coke and earl of Leicester.*

Having narrated the incidents of sir Edward Coke's life, we now proceed to make some few remarks concerning him which could not be easily introduced before, and to give a particular account of his writings, the consideration of which we have purposely deferred to the last.

In his person sir Edward was remarkably well proportioned, with regular features, a dignified countenance and an air full of gravity and composure. He was very nice in his dress, being accustomed to say that *the outward neatness of our bodies should be a monitor of purity to our souls.* In his pleadings, conversation and judgments, he was generally very concise, although, from the vice of the age, sometimes rather too diffuse in his formal speeches. In his professional practice he always endeavored to cultivate sobriety and moderation; saying, *if a river swell beyond its banks it loseth its own channel.* Fuller has a very curious passage concerning him nearly to this effect: Five sorts of people he used to fore-doom to misery and poverty, namely, chemists, monopolizers, concealers, promoters, and rhyming poets: for three things he would return solemn thanks to God, which were that he never gave his body to physic, nor his heart to cruelty, nor his hand to corrup-

* In the preceding narrative we have been much indebted to the Biographia Britannica, which is to be understood as our authority wherever none is cited.

tion: and in three things he did much applaud his own success, to wit, in his fair fortune with his wife, in his happy study of the laws, and his free coming by all his offices, *nec prece nec pretio*, neither begging nor bribing for his preferment.—The rank, which he attained, sufficiently indicates the estimation with which he was regarded as a lawyer; for, as we have just seen, he valued himself upon having gone through the successive stations of queen's solicitor, speaker of the house of commons, attorney-general and chief justice of both benches, by his merit alone, not by any unworthy acts of courtly servility. How sure a friend he was to the church may be judged from what we have said heretofore, as well as from the fact that when a powerful nobleman was inclined to question some of the rights of the cathedral church of Norwich, sir Edward prevented it by declaring that, if the matter was pursued, *he would put on his cap and gown again and follow the cause himself through Westminster-hall.* As he took for his motto *prudens qui patiens*, so it appeared that from all his reverses of fortune he rose more powerful than before; verifying in this the pithy character once given him by king James, that *whichever way he was thrown he would fall upon his feet;* for whatever credit he happened to lose at court was more than compensated to him by the extensive influence which he possessed in the country. Finally, although his eminence and uninterrupted success in his profession imparted to his character a degree of pride, which sometimes betrayed him into conduct that it would be useless to attempt to justify, but which his enemies magnified to his disadvantage,—still it is certain that sir Edward Coke was exceeded by few of his countrymen in the qualities of an acute lawyer, able judge, and ardent, public-spirited patriot.

Of the voluminous writings of sir Edward Coke, embracing almost the whole range of the common and statute-law as it existed in his time, those published earliest were his Reports, which originally appeared in eleven parts at different periods, the first part in 1600, when its author was attorney-general to queen Elizabeth, and the last in 1615, when he was chief justice of the king's bench under James. Two additional parts were also printed some years after his death, which are much less valuable as to the nature of the cases, less complete, and less authentic than the preceding parts, because wanting the revision of sir Edward. The great defect of Coke's Reports, as indeed of all his works, is the total want of meth-

od by which they are distinguished even above the immethodical writings of his contemporaries. His Reports do not contain a regular statement of the case, with the arguments of counsel and decision of the court distinctly set down; but these particulars are blended with extra-judicial remarks that happen to drop from the judges, and mixed up with numberless desultory observations which the reporter's own ill-arranged learning suggests; so that it is often no easy task to ascertain the points of law raised in the case and actually adjudged by the court as a solemn precedent. But, notwithstanding this serious objection to the Reports, they undoubtedly deserve the praise bestowed on them by sir Francis Bacon, in his Proposition touching the Amendment of the Laws of England, when he said that, but for them, the law would have been 'almost like a ship without ballast.' No stronger evidence of their high reputation need be assigned, indeed, than the fact that they alone are generally cited in our law-books without the author's name, and denominated, by way of eminence, *the Reports*. A large portion of the decisions recorded in them are now become wholly obsolete, and the improvements of modern law have diminished the usefulness of the rest; but, as very many of them are what is technically styled *leading cases*, the Reports must ever continue to be valued and studied by those, who wish to examine legal principles at their fountain-head.

While sir Edward Coke was in disgrace, his Reports, as we have already intimated, underwent a very severe scrutiny from his enemies, who were eager to seize upon the slightest pretext for humbling the spirit of the chief justice. Every mistake in point of law, nay the least verbal inaccuracy, was imputed to him as a crime. It is to be remembered that the wise institution of fixed reporters, to which we owe the nine Year-Books, and which has been imitated with so much advantage and success in our country, was not long kept up in England. Nor was the place of these reporters immediately supplied by private individuals. Sir Edward Coke tells us, in the preface to the third Report, that, beside the Year-Books and his own collections, there were only three volumes of printed reports then in being, namely, sir James Dyer's Reports and Plowden's Commentaries. Hence it arose that an error in reporting was considered not merely, as at present, a literary defect of the work, but a high offence against the

courts and the crown. When, therefore, sir Edward Coke was forbidden to ride upon the circuits, the king charged him to employ himself during the vacation in revising and correcting his Reports, wherein the king said he was given to understand many dangerous novelties, offensive opinions and peremptory decisions were recorded as the law. In obedience to this injunction sir Edward prepared a list of a few errors of a very trifling nature, and presented them to the king; with which the king or his advisers not being satisfied, selected a number of passages from the Reports, and these not the points adjudged in the cases, but extrinsic and independent remarks, which the king desired to have explained, appointing lord Ellesmere to receive sir Edward Coke's excuse or apology. The exceptionable passages were finally reduced to five, all which sir Edward defended so triumphantly, that his enemies were for the present completely silenced. About a year afterwards, however, while sir Francis Bacon was lord-keeper, the complaint concerning the Reports was revived; upon which sir Edward boldly demanded to have the twelve judges called upon, as well to determine what cases in his Reports, if any, were erroneous, as to certify what cases he had published for the maintenance of the royal prerogative, the safety of the church-revenues, the quieting of men's inheritances, and the general good of the realm. Sir Edward's enemies shrunk from an inquiry, which they felt conscious must redound so much to his honor and to their discredit, and here the affair was dropped, after the Reports had passed through an ordeal from which few would have come forth equally free from reproach.

The next work of sir Edward Coke's published during his life-time was the Book of Entries, which, indeed, appeared in 1614, before the completion of his Reports. More recent collections of entries refer to this work as containing very elaborate precedents, especially in real actions; but the great alterations of the law with respect to practice since the time of Coke having brought new forms into use and even changed the language of the record, modern compilations on the subject of pleading have superseded Coke's Book of Entries. This volume may be considered as in some measure a supplement to the Reports, because it exhibits the entire record of many of the cases there reported; for which reason, probably, sir Edward omits to mention it while enumerating his works in the preface to the first Institute.

The preceding works were written and published by sir Edward, as he repeatedly observes in his Reports, either amid the pressure of many important affairs, or else in the brief intervals of rest which he enjoyed from the exertions required by his public employments, 'ascita,' he says in one place, 'ascita alacriter industria mihi ex more solito perquam familiari in consortem.' After his final rupture with the court, still retaining his industrious habits in extreme old age, he devoted himself to the completion of his last and great work, the Institutes of the Laws of England, consisting of four parts, the first, a Commentary upon Littleton, the second, an Exposition of many ancient and other Statutes, the third, concerning High Treason and other Pleas of the Crown, and the fourth, concerning the Jurisdiction of Courts. 'I have termed them Institutes,' says Coke, 'because my desire is, they should institute and instruct the studious, and guide him in a ready way to the knowledge of the national laws of England;' and the general consent of the bar for a century and a half spontaneously continued to pay these juridical labors of sir Edward Coke a deference, which in any other man it would have seemed alike arrogant to claim, and presumptuous to anticipate.

The first Institute is a perpetual Commentary upon a short Treatise of Tenures written by sir Thomas Littleton, an eminent judge of the common pleas in the reign of Edward IV. It is not certainly known at what time the original edition of this tract appeared; but it is generally supposed to have been the year 1481; and therefore the copies of this edition are esteemed a great typographical curiosity, because among the earliest specimens of the art of printing in England. The work itself is not very full; nor is its arrangement remarkably happy. Yet it is esteemed one of the most perfect of the ancient books of common law; and, although Littleton almost never adduces any authority in support of his opinions, his credit has always been so high, that in the earliest times any thing cited from him was no more considered open to dispute or question than a precedent solemnly adjudged by the courts. And sir Edward Coke undoubtedly expressed the common sentiment of his contemporaries when he said, in the tenth Report: 'Littletoni Tenuras quod attinet,—hoc affirmo, et contra refragantes quoscumque ratum faciam, opus esse suo genere adeo absolutæ perfectionis, adeoque de erroribus libe-

rum, atque aliquod aliud mihi notum humanam tractans eruditionem.' But, next to the permanent interest and importance attached to his subject, the great excellence of Littleton, as Reeve observes in his History of the English Law, seems to be a plain, clear, simple and expressive style united with profound but unostentatious knowledge, and a comprehensive way of thinking:—qualities, in which sir William Jones very aptly compares Littleton with the modern jurist Pothier.

Sir Edward Coke's Commentary upon Littleton was first published in 1628, and again printed in 1629, under the author's personal revision; for which reason the second edition is always looked upon as the correct text of the Commentary. The work has now reached a seventeenth edition in England, the tenth and each subsequent impression to the thirteenth having been much improved by the addition of references, and the thirteenth with the later editions being enriched with notes from manuscripts of lord Nottingham and sir Matthew Hale together with copious annotations by Hargrave and Butler. The seventeenth edition also contains additional notes extracted from the papers of sir Francis Buller. If to these we add the notes of the American editor, Mr Day, and the commentary of Houard upon the text of Littleton, we shall have a body of elaborate critical and explanatory annotations upon this little tract, which are scarcely exceeded in bulk by those subjoined to *variorum* editions of the Greek and Roman classics.

With regard to the merit of Coke's Commentary, it cannot be denied that, with many excellencies, it has also many faults. The quaintness and affectation of the style in which it is written, so far as they are defects, may, perhaps, be chiefly charged upon the age, whose delight in significant expressions often degenerated into a love of verbal conceits. Yet this very quaintness is not destitute of its charm; nor does it prevent the language from being precise, clear and expressive. The great objection to sir Edward Coke is the rambling, diffuse, immethodical and digressive manner, which pervades all his writings and greatly impairs their usefulness. Much system, it is true, was not consistent with the nature of a perpetual commentary; because it is not to be supposed that a series of explanatory notes upon the substance, the words and even the *etcæteras* of a treatise, should constitute a regular whole; but the evil is that, in each individual comment, sir Edward Coke

wanders from subject to subject with a pertinacity in disorder, which is really unpardonable. There seems to have been much truth, as well as bitterness, in the remarks applicable to this point, made use of by sir Francis Bacon in his famous letter of expostulation written to sir Edward Coke.—'When you wander,' said Bacon, 'as you often delight to do, you wander indeed, and give never such satisfaction as the curious time requires. This is not caused by any natural defect, but first for want of election, when you have a large and fruitful mind, (which) should not so much labor what to speak, as to find what to leave unspoken. Rich soils are often to be weeded.'—Another defect in the Commentary arose from sir Edward's ignorance, or at least uniform neglect, of the feudal law. 'I do marvel many times,' observed sir Henry Spelman, 'that my lord Coke, adorning our law with so many flowers of antiquity and foreign learning, hath not, as I suppose, turned aside into this field, i. e. feudal learning, from whence so many roots of our law have, of old, been taken and transplanted.' But the absence of illustrations drawn from the law of feuds is supplied by Butler, in his notes, in a way far more satisfactory than sir Edward could have had the means of doing, and so as to leave the student nothing to regret on this subject. Notwithstanding these defects, the immense erudition of Coke's Commentary, and his wonderful sagacity in detecting the grounds and reasons of the law, are unquestionable, although it is not always possible to find out the application of his references, and his anxiety to leave nothing unexplained often betrays him into assigning childish and frivolous reasons for things.

Sir Edward Coke designed his work, as at the time it appeared and long afterwards it was fitted to be, as an institute or introduction for the use of students, no less than as a repository of his own extraordinary learning. But, now that the irresistible tide of improvement hath swept away a very large portion of the law comprized in the Commentary, and brought along with it a new system of legal doctrines, better adapted to the wants and spirit of the times, it may reasonably be doubted whether Coke upon Littleton is entitled to the place, which it has hitherto held, of a leading elementary treatise in every plan of legal education. It can be said, on the one side, that a student should become acquainted with Coke as the great authority on all subjects connected with the ancient law;

and on the other it might be maintained, that the same law is to be found in a more agreeable form in the modern compilations and digests, and that therefore the first Institute should be wholly discarded. There is, however, a medium between these two methods, which is, to read Coke at the close, instead of beginning, of the course of preparatory legal study; and this we cannot but think preferable to the method recommended by Hoffman, in pursuance of general custom, rather than for the soundest reasons, of placing Coke upon Littleton at the head of the doctrine of real rights and almost at the very opening of municipal law. Condemning the student, at such an early period of his novitiate, to the revolting task of toiling through the confused, harsh, uncouth and antiquated pages of Coke is not very likely to conciliate his mind to legal inquiries, nor to give it those habits of systematic investigation, which are peculiarly needful in the science of law. Besides, a student cannot then peruse Coke upon Littleton with advantage; because it is impossible for him to comprehend fully a large portion of it, and still more impossible for him to discriminate between what is law at the present day and what is not, especially considering the difference between the common law as acted upon in the United States and as understood in England.

The rest of sir Edward Coke's works are posthumous. The second Institute is a commentary upon Magna Charta, the statutes of Merton, Marlebridge, Westminster and others among the older laws, together with a few enacted in later reigns, which sir Edward has expounded after the manner of his Commentary upon Littleton, with the same acuteness and profound erudition, and not less defect of literary taste. The third and fourth Institutes have more of the form of systematic digested treatises than the two preceding; and the fourth, especially, abounds with curious information extracted from the rolls, and still of the highest value on subjects connected with the history and antiquities of the English courts. When to these we add three short tracts, namely, a Reading on Fines, a Treatise on Bail and Mainprize, and the Complete Copyholder, we shall have enumerated all the legal publications of sir Edward Coke.

The three last portions of the Institute were not published until 1642 and 1644, when the originals having been restored, as we have already noticed, to the son of sir Edward, the

commons ordered an edition to be printed. Roger Coke, who furnished us with this fact in his Detection of the Court and State of England, says that, in the troubles of this period, it was remarkable that the advocates of the king chiefly maintained his cause out of sir Edward's third Institute, although it was rescued from oblivion and published by the house of commons.

It is unfortunate that sir Edward did not live to complete and print these himself; for, owing to their incorrectness, they have never enjoyed so much authority as the Commentary upon Littleton or the Reports. Sir John Kelyng mentions a consultation of the judges upon some point of high treason shortly after the restoration, at which 'it was observed that, in these posthumous works of sir Edward Coke, of the Pleas of the Crown and Jurisdiction of Courts, many great errors were published.'—In 1669, also, Prynne, the celebrated author of Histriomastyx, published a volume of Animadversions on the fourth part of the Institutes, and in which he professes to have detected many illegal doctrines and many statements resting upon very slender proofs.

The exalted character of sir Edward Coke in public and private life conspired with the sterling excellence of his works to give them an authority more decided and extensive, than has ever been enjoyed by the legal writings of any other of his countrymen. The most discriminating lawyers have not scrupled to designate him as the great oracle of English jurisprudence. The influence of his works grew up with the gradual publication of his Reports, while he still continued one of the highest law-officers of the crown, and was accustomed to the deference of the bar, and the reverence of the rest of the kingdom, as the head of the courts of common law. When he stood forth as the bulwark of the commons against the encroachments on their rights, which the king esteemed it the prerogative of royalty to make, the celebrity of the patriot ensured celebrity to his legal opinions. The subsequent appearance of the Institutes,—of the first, which, bulky as it is, reached a second edition in the short space of a year,—and of the rest, which came forth most opportunely at a time when the questions agitated between king Charles and his people made continual reference to the Institutes necessary,—the publication of these firmly established the credit of sir Edward Coke, and, as it were, caused his opinions to be interwoven

with the very fabric of the constitution of England. The Reports and Institutes cover the whole ground of the common law, from the prerogatives of the king and the privileges of parliament down to the lowest copyhold-tenure and the rights of villenage itself, expounding all the complicated doctrines embraced in these wide limits with a comprehensiveness in the design and a completeness in the filling up, which it was far beyond the skill of any of his contemporaries to out-do, excepting only sir Francis Bacon. And the writings of sir Edward undoubtedly effected no little of what the English Tribonian had so much at heart, namely, the amendment of the laws of his country by reducing them to an uniform system. For the English Institutes, although executed in a less masterly manner than the Roman, obviously stand, like the latter, between the old and the new jurisprudence, serving at the same time as a digest of the one, and as the foundation on which the other has been built up by the Hales, the Holts, the Mansfields and the Blackstones, who have flourished in England since the restoration of the Stuarts.

Art. XIV.—1. *An account of the Varioloid Epidemic, which has lately prevailed in Edinburgh and other parts of Scotland; with observations on the identity of Chicken-Pox with modified Small-Pox: in a letter to sir James M'Grigor, Director-General of the army medical department, &c. &c. By John Thomson, M. D. F. R. S. E. Surgeon to the Forces, &c.* London and Edinburgh. pp. 400. 1820.

2. *A History of the Variolous Epidemic, which occurred in Norwich in the year* 1819, *and destroyed five hundred and thirty individuals; with an estimate of the protection afforded by Vaccination, and a Review of past and present opinions upon Chicken-Pox and modified Small-Pox. By John Cross, member of the Royal College of Surgeons in London, &c.* London. pp. 296. 1820.

The subject, to which the works before us relate, has within a few years excited much attention in Europe, both in the medical profession and in the public at large; yet it has scarcely been heard of on this side of the Atlantic. So completely have we been protected, in this country, by the practice of

vaccination, and the strictness of our quarantine regulations—the efficacy of which, with regard to *truly contagious diseases*, cannot be doubted—that we are almost in danger of forgetting the existence of the small-pox; and, if we hear of its occurrence in other countries, it excites no other emotion than surprise that any part of the world should still continue to be infested by a disease, which, as experience in our own case seems to have proved, might be so easily exterminated. Yet, however great reason we may have to congratulate ourselves on the exemption we enjoy, recent events prove, that it is necessary we should continue on our guard, and persevere in those measures by which we have been hitherto protected; lest hereafter we should undergo visitations of disease as unexpected and fatal, as those which have been experienced in Europe.

An eruptive disease has within a few years made its appearance in Scotland, in England, and in several other parts of Europe, and prevailed epidemically to a considerable extent; and although in general resembling the small-pox, yet it has been attended by so many circumstances apparently anomalous, that some doubt has been at times entertained whether it were not a new disorder of an analogous character, but dependent on a different contagion. It is now, however, generally admitted to depend for its existence upon the variolous contagion, and to present phenomena unlike those which are usually observed, in consequence of the particular circumstances of the individual whom it affects.

This epidemic differs from the small-pox, as it has usually prevailed, in some important particulars. It has affected many who have previously passed through the small pox, either natural or from inoculation, and in these it has usually appeared in a mitigated form; it has attacked, very frequently, those who have been formerly vaccinated, and in these the disease has been still milder and exhibited the symptoms which characterize what has usually been called the modified or five-day small-pox; and it has presented in many cases, both of the genuine and modified small-pox, so close a resemblance to the disease called *varicella*, or chicken-pox, that they have been frequently mistaken for each other, and the most accurate and experienced judges have found great difficulty in making the *diagnosis* between them. But at the same time that these circumstances have been observed, the

small-pox has been prevailing extensively in its most malignant and fatal form among those individuals who have neither been vaccinated nor previously undergone the variolous disease.

These facts, which are so much at variance with the commonly received opinions upon the subject of small pox, seem to show; either that some change has taken place in the laws by which the disease is governed; that some of the facts relating to it have been hitherto overlooked or carelessly observed; or that a wrong explanation has been given of them. Certainly till within a few years one attack of the small pox was believed to render an individual secure against a second; for as no more than one in several thousands was supposed liable to such an event, the chance in any particular instance was diminished to almost nothing. Indeed many denied altogether the possibility of such cases, ascribing the accounts of them to the inaccuracy or mistake of their narrators, and believing them to have been deceived by aggravated cases of chicken-pox, or by some anomalous disease. The reliance upon the efficacy of the cow pox was little less entire, for although there had been a few instances of the variolous after the vaccine disease, yet it was easy to attribute these to imperfect or spurious inoculation; and although the modified small pox, had been for some time known to exist, produced occasionally in vaccinated subjects by exposure to variolous contagion or inoculation, yet this had been too rare and too mild a disease to excite any alarm, and had never been known to prevail as an epidemic. Under these circumstances it was not strange that much doubt and distrust should be excited, that the faith of many in the efficacy of vaccination should be shaken, and that various hypotheses should be resorted to, to explain the apparent anomalies which were presented. In order, however, to give a clearer view of the subject, before adverting to any explanation which can be given of the difficulties it presents, we proceed to give a slight sketch of the history of the epidemic, as it appeared in various places.

Its first appearance in Scotland, we believe to have been at Forfar in the month of October 1813. In that place it affected both the vaccinated and those who had undergone neither the vaccine nor the variolous disease. In the latter class of subjects, it exhibited very clearly, in the opinion of the medical practitioners, all the characteristic symptoms of small-pox;

but in the former, its course and appearance were so different, as to occasion some doubt whether it were really the same disease, had it not seemed to have been always produced by the variolous contagion. The number of these cases amounted to a hundred and fifty; and in addition to them, the contagion produced small-pox in six individuals who had previously passed through it either naturally or from inoculation.

In 1815, the *varioloid epidemic*, for by this term it has been designated to distinguish it from the small pox as it usually prevails, appeared in Edinburgh; in 1818 and '19 it again appeared and was prevalent in that city. It presented itself likewise in Cupar in Fife, in St. Andrews, in Dundee, and in various other places in Scotland, exhibiting every where the same general aspect and confirming the same general facts.

Dr Thomson enters into a particular account of five hundred and fifty six cases of the epidemic, as it appeared in Edinburgh and its vicinity, which came under his particular observation. Of this number two hundred and five occurred in persons who had passed through neither small-pox nor cow-pox, and these exhibited all the decided characteristics of the true variolous disease, in different degrees of severity. Of the whole, fifty died, giving a proportion of deaths nearly as one in four, and of course the cases were for the most part of a severe and dangerous character. Forty-one of those who were affected by the epidemic, had passed through either the natural or inoculated small pox, at intervals of time varying from ten days to fifteen years before their present attack. In these, the disease possessed the same general characteristic symptoms, but in a milder degree, and resembled the cases which have been formerly described under the names of horn-pox, sheep-pox, swine-pox, &c. In addition to the results of his own observation, Dr Thomson became acquainted with thirty similar instances which occurred under that of others, and of the whole, seventy-one in number, only three died; about one in twenty-three. In the remaining three hundred and ten individuals, vaccination had been performed, at intervals of time from a few weeks to fifteen years before. These were all affected with the small-pox modified, or, in other words, the varioloid disease; a mild complaint bearing a general resemblance in its progress to the small-pox, but much shorter in its duration and leaving the patient without an attack of secondary fever. Of the three hundred and ten, forty had a

second attack of the same disease at different intervals and with various degrees of severity. Of the whole number, one died; but in this case, there was a complication of symptoms arising from other causes, to which the death was, partly at least, to be ascribed.

The epidemic small-pox, as it appeared in Norwich, corresponded in all its essential particulars, to that which prevailed in Scotland. Vaccination had not been very extensively adopted among the poor, and there were consequently fewer cases in proportion, of the varioloid disease among the vaccinated, than in Scotland. The disease itself was likewise more mild and the mortality less in proportion. Still from the great number of the *unprotected*, that is, of individuals who had gone through neither the variolous nor vaccine disease, the sickness was extensive and the mortality considerable. Of somewhat more than three thousand who suffered from the small-pox, five hundred and thirty died, about one out of six. Of one hundred and twelve families, in which Mr Cross personally attended during the prevalence of the epidemic, containing in all six hundred and three persons, two hundred were affected with the small-pox, and forty-six died. Of the remaining individuals of these families, two hundred and ninety-seven were secured by previous small-pox; ninety-one had been vaccinated, ten had resisted the small-pox formerly, and these with five others, children, resisted it during the epidemic. Of the vaccinated, two were affected with the modified small pox from exposure to the contagion, one with what was called chicken-pox, and three others with some slight eruptive disease, not seen by a physician. Mr Cross is of opinion, that about one in twenty of the vaccinated in the city were attacked by some affection of this kind during the epidemic. He relates six well authenticated cases of genuine small-pox after vaccination, two of which died, and several instances of its occurrence for a second time in the same individual.

At nearly the same period the small-pox made its appearance in Derby, Liverpool and Plymouth in England; in Douglas and other places in the Isle of Man; in Millau, Montpelier and Marseilles in France, in Geneva, in various parts of Holland, and in the kingdom of Wirtemberg, exhibiting every where nearly the same phenomena, with the same exceptions to the usual laws of its progress which had been observed in Scotland. Every where a proportion of the vaccinated, dur-

ing the prevalence of the epidemic, were affected with the varioloid disease, at the same time that the unprotected were laboring under genuine small-pox. At Millau, a town in France containing about eight thousand inhabitants, two hundred vaccinated subjects fell ill with the modified small-pox, not one of whom died; whilst at the same time two hundred children, who had not been vaccinated, were destroyed by the genuine disease.

The circumstances we have detailed in this sketch of the history of this epidemic are almost sufficient alone to satisfy us of the identity of the small-pox and varioloid disease, and their common origin from the same contagion. But there are others by which this may be farther confirmed. The varioloid disease existing in the vaccinated produces the variolous in the unprotected, and on the other hand is produced by it, the contagion seeming to pass from one subject to the other unaltered in its nature and only producing different effects in different individuals according to the state of their several constitutions. Inoculation with the matter of the varioloid eruption will excite true small-pox in the unprotected, and the virus of small-pox will occasionally induce the varioloid disease in the vaccinated. Still further, it has been produced by Dr Willan, by inoculating with the variolous and vaccine matter at the same time, and the same result has followed when an individual who has been exposed to the contagion of small pox is inoculated with the matter of cow-pox before the symptoms of the former have begun to manifest themselves.

The question now naturally occurs how are we to account for the facts, established by the experience of this epidemic, which appear to contradict former experience and belief. These facts are in substance these, that genuine unmodified small-pox has, not unfrequently, occurred for a second time in the same individual, and has also occasionally taken place after vaccination; and that a mitigated eruptive disease has been produced, in a very considerable number of those who have been vaccinated and in many of those who have had small pox, by exposure to the variolous contagion; that these cases have exhibited great varieties of symptom in different individuals, in many corresponding to the disease known by the name of modified small-pox, in many presenting appearances so similar to those of the chicken-pox as frequently to be mistaken for that disease, and to induce many physicians to

believe that the chicken-pox is only one of the forms in which small pox is sometimes presented.

With regard to a second attack of genuine small-pox, we are not sure there is any sufficient reason for believing that it has lately occurred more frequently than it formerly did. The fact probably is, that it has not been heretofore so uncommon an event as we are apt to imagine. Mr Hennen, a surgeon of distinction, has given a list of no less than a hundred and fifty medical writers who have recorded instances of this kind. The increased number of well authenticated cases, we are inclined to attribute to the more strict attention which has been lately paid to such occurrences, to the more liberal and unprejudiced manner in which they have been observed, and to the growing habit of communicating such observations, candidly, to the public. The belief on this subject, as on many others in medicine, seems to have been handed down, without undergoing a very strict investigation, from generation to generation. We are slow in giving credence to facts whose tendency is to overthrow principles we have always regarded as firmly settled, and very ready to seek for some method of accounting for them which shall explain them away, without breaking in upon our established habits of belief.

It is, however, more difficult to account for the facts relating to the prevalence of modified small-pox or the varioloid disease after vaccination and after previous small-pox. The cases which have followed vaccination have been by far the most numerous, and have more constantly accompanied the epidemic in considerable numbers, than those which have succeeded the small-pox, and we shall first proceed to notice some of the explanations which have been given of their occurrence.

A circumstance, to which the Directors of the National Vaccine Establishment attribute the frequent failures of the cow-pox to give complete protection, is, that the ‘ process has not been conducted on the plan recommended by this board, and which experience has proved to be the most efficacious.’ This plan is no more than to make at least four separate insertions of the matter, and to leave at least one vesicle to run its whole course without being opened. That this method is the more likely to insure the production of the disease in any individual instance is clear enough, but that it is more certain to communicate it efficaciously is unsupported by any proof whatever. The cow-pox is truly a specific disease. If an

individual has it at all, he has it completely, there is no taking it by halves. One true vesicle which goes regularly through its course is as good as a dozen, just as in inoculated small-pox, twenty pocks are believed to be as good evidence of an effectual disease as so many hundred. There may be a difference as to the degree in which the system feels the disease, denoted by the degree of constitutional sympathy, but not as to the actual affection of the system itself or the completeness with which it is pervaded. Indeed, it does not seem to be required that the whole four or any particular number of the punctures should take effect and excite vesicles; and we have little doubt that one genuine vaccine vesicle out of four punctures is considered at London, as effectual as one out of two is at Edinburgh. Indeed the experience of the epidemic shows, that the method of inoculation practised in Scotland, which has been by one or two punctures only, was found perfectly effectual in the large majority of instances to prevent the small-pox, and in others to modify it when excited; and no difference was observed between those who had had only one, and those who had two, three, or four vesicles, in their power of resisting the variolous contagion. And as has been observed by a writer in the Edinburgh Medical and Surgical Journal, 'While on the one hand in many cases, vaccination, which the establishment would have called perfect, has given imperfect security, there have been on the other hand many cases in which vaccination, which they would have called imperfect, has given perfect security.'

As to the deterioration of the vaccine matter in passing through a succession of individuals, it is remarked by Dr Thomson, that such a fact 'would present an anomaly in the history of contagious diseases, for I am not aware that any thing analogous to this alleged deterioration has ever been observed to occur in any of the other contagious diseases that are capable of being communicated by contact or inoculation from one human being to another. I know, in point of fact, that the vaccine virus which has been used at the Royal Public Dispensary here, and in other parts of Scotland, for a series of eighteen years, still continues to produce in those who are inoculated with it, the very same appearances which it produced on the first trials which were made with it, and that these appearances agree exactly with those which have been delineated and described by Dr Jenner as characteristic of cow-

pock; and I know also, that the appearances of the vaccine vesicle produced by this matter which must have passed through a succession of at least nine hundred individuals, agree exactly with those exhibited by vesicles produced by inoculation with the more recent equine matter with which I have been favored by Dr Jenner. Besides, I have seen a variety of instances, and have heard of more in which the varioloid disease during its late prevalence in Scotland, has attacked individuals who had been inoculated with cow-pock matter at an early period of the practice of vaccination obtained from the most authentic sources.' *Thomson*, pp. 315—16.

Neither is it probable that the destruction of the vaccine vesicle in its early stages, by scratching, rubbing, or the abstraction of matter for use, on which Mr Cross lays some stress, will account for any considerable proportion of the cases. Some of these accidents frequently take place, and no doubt it will sometimes happen that by the destruction of the vesicle in its early stage, the disease may be cut short. But when this has any effect in arresting the progress of cow-pox it must leave the individual afterwards liable to attack from small-pox in its genuine form, whereas this is a very rare occurrence, and the usual character of the disease to which such persons are subject is the varioloid. The vaccination then must have produced some effect upon the system, and as we have before observed, if the disease exists at all, it affects the constitution as thoroughly as it is capable of being affected. The destruction of the local affection, after the system is once impregnated with the disorder, will no more cut it short, than quenching the match will extinguish the flame which it has kindled.

Another explanation of the phenomena of the epidemic has been, that the protecting power of vaccination is weakened in time, and this is a question of very considerable importance to determine. Many vague opinions and vague statements have been promulgated with relation to this point, but there are no facts which afford any absolutely decisive evidence. A few of those who have written on the subject, observe, that they have thought the varioloid disease more likely to occur, and more severe when it did occur, in those who had been vaccinated for a considerable length of time, than in more recent cases; but the general opinion is upon the whole, that the power of the cow-pox is not diminished by time. Dr Gibson

of Lanark, states, that of two hundred and fifty-one cases of varioloid disease, rather more than one fifth appeared within the first year; that one hundred and nine occurred within the first five years, eighty-two in the next five, and the remaining sixty between ten and seventeen years after vaccination. In nearly all the statements the greater number of cases have happened within the first two years and in short the varioloid disease has occurred at all periods of time from a few weeks, or even days, to twenty years after vaccine inoculation, and perhaps the most severe, though not the most frequent cases have taken place where several years have elapsed, but this is rather to be attributed to the greater age of the patient than to the diminished power of the cow-pox, since it has always been found that the severity of the small-pox is increased as the subject is advanced in years.

The work of Dr Thomson is principally written with a view to establish his theory of the identity of chicken-pox and small-pox, and their mutual dependence on the same contagion; it cannot be denied that this, if proved true, affords a better explanation of the circumstances attending the epidemic itself, than can be given in any other way, although it does not well correspond with what has been previously known and believed of the nature and history of these diseases. It is stated by many, indeed by nearly all the practitioners who have written on this subject, that the milder cases of the small-pox, and many of those of the varioloid disease were at first supposed by them to be chicken-pox, and that they were only convinced to the contrary by the most undoubted proof that the whole were the result of the variolous contagion. The history of the cases which appeared in the castle in Edinburgh, of which Mr Hennen gives an ample account, seems first to have suggested to him the hypothesis which he has adopted and attempted to defend. The facts with regard to those cases were in short, that a son of Mr Hennen who had been vaccinated ten years before, had two perfect cicatrices on his arms, and had been repeatedly exposed to the contagion of small-pox in different places, was taken ill with a disease supposed to be aggravated chicken-pox. Under this impression six individuals were inoculated with matter taken from his body, who had undergone neither the variolous nor the vaccine disease, and in them the result of the operation was the inoculated small-pox. From them the same disease was communicated

by exposure to a number of other individuals, one of whom died. Many cases of the same general character are adduced by Dr Thomson to show that the same contagion produced small-pox and chicken-pox indiscriminately, and that there were no cases of the latter disease which could be traced from individual to individual, and proved clearly not to have been connected either in their origin or consequences with the former. His object on the whole is to show that chicken pox is nothing more than a disease produced by the contagion of small-pox, but rendered mild, and varied in its characteristics, either by cow-pox, previous small-pox, or by peculiarity in circumstances or of constitution. He adduces much evidence to show that chicken-pox has seldom been known to occur in those who have been affected by neither small-pox nor cow-pox, and seldom prevailed epidemically without the occurrence of cases of the small-pox at the same time; all which is what would be expected to happen on the supposition that his hypothesis is well founded.

But without entering into a consideration of the objections to this system, derived from the history and appearance of the chicken-pox itself, we may briefly observe, that the question may be speedily put to rest by a reference to the experience of this country for the last twenty years. Chicken-pox, in the form described by Dr Willan and other accurate observers in Europe, is a disease here of frequent occurrence, prevailing equally in all classes of subjects, whether they have undergone small-pox or cow-pox or neither, exhibiting in its severe forms a near approach to the milder cases of small-pox, but never giving rise to any thing like a strongly marked case of that disease. Now this is a fact notorious to every practitioner of medicine among us, and is alone sufficient to settle the controversy. Small-pox has been in effect exterminated with us by the introduction of vaccination, and yet chicken-pox continues to exist. Were the opinion of Dr Thomson correct, this ought not to be the case; we ought, either to be entirely free from both these diseases or from neither, for neither could prevail singly. There are thousands, more particularly in the interior parts of our country, who have never undergone vaccination nor the variolous disease. These are, no doubt, frequently exposed to the contagion of chicken-pox under circumstances the most favorable for its communication, and should, in a few cases at least, suffer the disease in the form

of small-pox were the two affections the same. It is desirable that a collection of the facts on this subject, although of no immediate practical importance, should be made with a view of illustrating the history of the chicken-pox in this country, and by that means settle the controversy which seems yet to be carrying on in Great Britain.

If then we can attribute the peculiar phenomena of the varioloid epidemic to none of the circumstances of which we have taken notice, the question still recurs, how are we to explain them; and we do not believe that any better account can be given than that which ascribes them to some peculiarity in the constitution of the epidemic, which gave it more than ordinary power and increased the susceptibility of individuals to be affected by it. That the contagion of this epidemic has been unusually virulent, appears to be the general opinion of those who have been conversant with it. In particular years the mortality of variolous epidemics has not amounted to one in fifty; 'whereas,' says Dr Thomson, 'the mortality of the present epidemic has, according to my observation, been not less than one in four of the unprotected who have been attacked by it. When a variolous epidemic shall again occur of a milder kind it appears to me probable, that the number of those who may be attacked with secondary small-pox and with small-pox after vaccination, will be greatly diminished.'

It is obvious that small-pox, although depending upon a specific cause for its production, is yet capable of being so modified or mitigated by collateral circumstances, as to appear in very different degrees of severity. When prevailing epidemically it is rendered more frequent and more fatal by particular states of weather; thus both in Edinburgh and Norwich there was a great increase in the number and mortality of the cases during the summer months. 'It is known,' says Dr Turner in a letter to Dr Thomson, 'that in Africa small-pox cannot be communicated by inoculation during the Hermattan winds; and I have heard it stated by a highly respectable practitioner in Calcutta, that during the hot season there, small-pox cannot be inoculated, that it ceases to spread, and that a slight, vesicular disease only prevails, which is regarded as chicken-pox.' *Thomson*, p. 300. There are some individuals who seem to be under ordinary circumstances not susceptible to the contagion of small-pox. Mr Cross found

fifteen cases of this kind in a hundred and twelve families, consisting of six hundred and three persons; but during the prevalence of the epidemic in its most violent stage, it was found that many people of this description who believed themselves proof against contagion were attacked by it. And the case of one person has been mentioned, who after living as an attendant for twelve years in a small-pox hospital unaffected by the disease, finally took it and died.

All this serves to show that small-pox, like other diseases, is produced easily or with difficulty, in a mild or severe form, according to the state of the system, as depending on natural constitution, the state of the weather, or the peculiar constitution of the epidemic; and that the degree of susceptibility in any individual case may be varied to an almost indefinite degree by circumstances, some of which we can, and some of which we cannot perceive to operate. It was on this principle, that the practice was founded of carrying a patient through a course of preparatory measures before exposing him to the small-pox, in order that his system might be disposed to have the disease in its mildest form. The same considerations appear to us to explain, why cow-pox, although under ordinary circumstances an effectual preventive, has been found to fail during the existence of a malignant epidemic. Cow-pox probably protects the system from the influence of the variolous contagion, precisely as small-pox protects it; by producing an indisposition to enter into that train of actions in which the disease consists, a want of susceptibility to the *stimulus* of the contagion. This is in effect very much the same thing to the constitution, as exists in those who are possessed of a natural power of resistance. Under the usual degree of exposure these are each found a sufficient protection; but when the exciting causes of small-pox assume an extraordinary degree of violence, or when the unknown causes of epidemics have produced in those exposed to their influence a morbid predisposition, all these barriers are found to give way; and individuals, who have been vaccinated, who have been inoculated for small-pox, or have before always resisted the influence of the contagion, become affected by the disease with greater or less severity, and in a greater or less proportion according to other circumstances, whose effects we cannot estimate.

We may observe, in confirmation of this opinion, that in London, where the contagion of small-pox is constantly pre-

sent, where 1051 individuals have lately died of it in a single year, cases of the disease in any form after cow-pox are very rare; whilst at Edinburgh and in many other places in Scotland where it seldom appears unless casually introduced, they have been exceedingly common. The reason of which would be, that in London the disease was merely kept up by inoculation and the exposures consequent upon it, whilst in Edinburgh it was cherished and propagated by a general predisposition which had been in some way excited among the inhabitants of the districts where it prevailed. A predisposition, not necessarily perhaps to this particular disease, but one which rendered the system liable to be affected by any other, of which the appropriate exciting causes should be applied. And it actually happened, that at Edinburgh and some other places a fever of the typhus character was prevailing epidemically at the same time with the small-pox.

When these circumstances are considered, it does not appear so extraordinary, nor inconsistent with former experience, that cow-pox should not prove so perfect a safeguard against the small-pox as it was at first supposed. When the cow-pox was originally put to the test, it was done by inoculation, by the exposure of individuals to the atmosphere of a small-pox hospital for a longer or shorter time. It was supposed at that time, and indeed would be generally now supposed, that those who were capable of having small-pox at all, would take it in this way. Besides the number of vaccinated subjects who are thus exposed, must, from the nature of the case, be extremely limited. Now this is something very different from the exposure of the whole inhabitants of a large city to the contagion of the small-pox in its most malignant form, assisted too in its ravages by the existence of an epidemic predisposition to disease, affecting all who were exposed to its influence; and it is only under such circumstances that the failures of cow-pox have been frequent. We may likewise add, that it is not improbable that many more cases of modified small-pox after vaccination have formerly occurred, than has been believed, and from their near resemblance in appearance to the chicken-pox, have been attributed to the contagion of that disease. This we are persuaded must have been the case with respect to most of those instances where the small-pox, in its modified form, has attacked an individual for a second time. It is not probable that any great change

can have taken place in the laws of this disease. It is much more likely that under similar circumstances it formerly appeared as frequently for the second time as it has lately, but that physicians, strongly impressed with a belief that such an occurrence was almost impossible, admitted only the few severe cases to be truly variolous, whilst all the remainder were attributed to chicken-pox or classed together as spurious diseases under the names of horn-pox, swine-pox, sheep-pox, stone-pox, &c. and these, it is to be remarked, were generally found to prevail at the same time with the small-pox, indeed seldom or ever appeared at any other, and were therefore probably cases of small-pox mitigated in consequence of the previous occurrence of that disease.

It is sufficiently obvious, from the statements which have been already made, that there is no cause for relinquishing our faith in the value of vaccination. Indeed the experience of the late epidemic has had rather the effect to strengthen the confidence of those who had an opportunity of observing its effects. The safety, the mildness, the short continuance of the disease in the vaccinated, was so strongly contrasted with its severity, and its fatality in the unprotected, as to produce perhaps a more sensible impression upon the lower classes of the community of the advantages of vaccination, than would have been produced by their entire exemption. Of such importance, however, is it, that this point should be clearly made out and fully understood, that we deem it proper to dwell more particularly upon the direct evidence which goes to establish the efficacy of vaccination lest any misconception of the facts as they have been stated should lessen the faith of any in this invaluable discovery.

It appears then to be established beyond the reach of doubt, that a very large majority of the vaccinated resist the small-pox under *all circumstances of the most intimate exposure to its contagion.* It is of course extremely difficult to state the exact proportion of those who do suffer, yet we have some data from which a general estimate can be formed. According to Mr Hennen, only one out of eighteen of the vaccinated children in the castle at Edinburgh took the small-pox. In the work of Mr Cross, as we have already seen, of ninety-one individuals who had been vaccinated in one hundred and twelve families, but two were affected with modified small-pox, one of whom had only twenty pustules; one was attacked

with what was called chicken-pox, and three others with slight eruptive diseases, not seen by a physician, the severest having only eleven pustules. These families were of the poorer class, where many individuals were crowded into one room, and where the vaccinated were constantly sleeping in the same bed with those laboring under the natural small-pox. But in addition to this—

'In the month of June,' says Mr Cross, 'I visited five hundred families in those parts of Norwich where I was least acquainted, in order to ascertain the proportion and extent of the failures after vaccination. In the course of these visits I took an account of thirteen hundred and seventy-seven persons under twenty years of age. Of these, three hundred and fifty-eight had small-pox formerly; three hundred and fifty-seven were seized with it lately, and fifty of them had died; four hundred and twenty had been vaccinated at different periods from fifteen years to a few weeks, and eleven of these had lately suffered from an eruptive disease, unattended with danger, but seeming in most of them to have been modified small-pox; two hundred and forty-two were still liable to small-pox. In thirty-one families, those who had had cow-pox were living in the same room or lying in the same bed with others, suffering or dying from natural small-pox, yet remained perfectly safe, with the exception only of one child, whose mother reported that it had *ten* pustules! From some cases which I had seen in other quarters and of which a more particular account will be given, I was surprised to find no more serious failures after vaccination, and was astonished, considering the way in which the practice is unavoidably conducted among the poor, to find it so very effectual. Altogether in the course of five months I met with seventy-seven families where the vaccinated were in the same room with small-pox; and none of them had any serious disease, and not above one in thirty had any eruptive disease at all.' p. 38.

He observes subsequently—

'Including the mildest cases, which compose the majority and have been continally regarded as chicken-pox proceeding from the variolous contagion, I believe that not more than one in twenty persons will be in any way affected by the most intimate exposure to small-pox in the same room, and that less than one in fifty will have the disease in a form answering to the generally received description of modified small-pox.'—'Considering that these cases occur in the midst of the most destructive small-pox, and that the severer bear a close resemblance to this disease, nothing is more striking than the comparatively little danger which attends

them, scarcely an instance being on record in which they have proved fatal; and therefore they must be regarded as vastly milder than the small-pox produced by inoculation.' p. 192, 193.

It is seldom that in a vaccinated individual the disease is such as to be considered as the genuine unmitigated small-pox, and rare, very rare, that it proves fatal. Still, it cannot be denied, that there have been cases both of the occurrence of the small-pox unmodified, and cases also in which it has proved fatal in subjects who had previously been supposed to pass through the cow-pox. The proportion of such cases it is, of course, almost impossible to ascertain. The facts by which we come nearest to the truth are furnished by Mr Cross, whose indefatigable assiduity in searching into every part of this subject cannot be too highly praised; in the city of Norwich, containing above forty-seven thousand inhabitants, he calculates that there were about ten thousand who had undergone vaccination. Of these he was able to discover only six who had suffered from small-pox, and of these two died. But there was evidence that during the same period at least as many cases occurred of regular small-pox in those who had previously gone through that disease either in the natural or inoculated form; thus forming a complete offset to the cases after vaccination, and showing the cow-pox to be at least as perfect a security as the small-pox itself.

It is proper to notice here the strong probability which exists for believing that many of the cases where regular small-pox occurs in those who are supposed to have had cow-pox, may be owing to some imperfection in the processes of the latter disease, by which it is prevented from communicating its influence to the whole system. We have before given our reason for believing, that the great mass of cases of modified small-pox are not to be attributed to any such defect. But where the modifying influence is not at all perceived, there are not the same objections to the opinion that the occurrence of the disease is owing to imperfect vaccination, and when it is considered that many circumstances of apparently trifling importance are well known to obstruct the regular progress of the cow-pox, the probability is much strengthened that the small-pox occurs in some of those cases where such an obstruction has taken place. Very slight cutaneous diseases, rickets, scrofula, &c. have this effect.

'An author,' says Mr Cross, 'who recently undertook an investigation of the causes of failure of vaccination in Silesia, has related that in 1816 above a hundred who had been vaccinated had small-pox in the same district, and some of them died. It appeared that they had all been vaccinated by the same surgeon, who was suspended from his appointment as vaccinator whilst an inquiry was instituted by a medical committee expressly appointed, to discover the sources of so much mischief. It was ascertained that the surgeon had been in the habit of taking ichor as late as the eleventh day, often from vesicles which had been rubbed or scratched, so as to be injured in their structure, and had even raised an imperfect scab to obtain what moisture he could from beneath it to vaccinate with.' pp. 196, 197.

Frequent failures of vaccination are related by Dr Elsasser to have occurred in a district in the kingdom of Wirtemberg, where scabies was so endemic that not above one in fifty was free from it. It was found on inquiry that a child with scabies had been inoculated, and that the ichor from its arm had been used for vaccination and thus propagated an imperfect disease. It appears from the work of Mr Cross, that of five hundred individuals whom he vaccinated during the epidemic at Norwich, of whose cases he kept a record, only three hundred eighty-four had the disease satisfactorily. And although the greater part of the remaining one hundred and sixteen did probably undergo the cow-pox, yet there was not that full evidence of the fact, which should make the vaccinator feel secure that they were not liable to small-pox.

But in judging of the real value of the cow-pox we are not merely to look into its absolute merits as a preventive of the small-pox, but view it in comparison with the only other method which has appeared to offer any tolerable chance of lessening its ravages, the variolous inoculation. And we may make what seems at once a conclusive statement—that every individual who submits to this expedient, undergoes a disease more severe and dangerous than the modified small-pox as it occurs after vaccination, with this difference, that in the former case the disease and the danger are certain, in the latter they are contingent, and happen only to one individual out of fifty of the vaccinated. 'Vaccination,' says a writer in the Edinburgh Medical and Surgical Journal, 'if not so good an antidote against small-pox as it was once thought, is at least the best that is to be had. And that this is the state of the fact no one can reasonably deny, who considers for a

moment the protection that was actually given in the city of Norwich to ten thousand vaccinated persons. Of these, we have seen that only two died of the small-pox, when a virulent epidemic visited the city, and affected almost every one who was liable to the contagion. Had these persons been protected by variolous inoculation, conducted in the best manner and under the most favorable circumstances, at least thirty-three of them, one in three hundred, would have died of the process intended to protect them; so that, in comparing the advantages of the two methods of prevention, we have to weigh two deaths *certain* against *two contingent on the invasion of an epidemic small-pox;* and then we have to consider, whether there might not be nearly as great a chance of two persons out of ten thousand inoculated for small-pox, taking fatal small-pox on exposure, at a subsequent period of life, to a virulent contagion.' No. 66, p. 127.

There is no doubt that an attack of small-pox, either regular or modified, is much more frequent after vaccination, than after the variolous disease itself; but on the other hand, the disease would seem to be in the latter case much more frequently fatal—for whilst Dr Thomson records only one death out of three hundred and ten who had modified small-pox after vaccination, he mentions three of seventy-one who were attacked with it for the second time. So that were this point capable of an exact investigation, it might appear that the number of deaths in the one class of individuals might be no more than a balance for those which occurred in the other; and thus the value of vaccination, as compared with the variolous inoculation, would stand as high as its most unqualified defenders have ever placed it.

This comparative statement would be conclusive against the variolous inoculation, supposing it to be universal and to produce all the good of which it is capable; but if we consider it as it has been managed, and judge of it by its effects, we believe it to be no extravagance to say that it has been of incalculable injury to mankind. To the rich and intelligent who could and would take advantage of it, it was a safeguard, but to the poor and ignorant who doubted of its efficacy or had not the means to avail themselves of it, it proved a destroying angel, carrying pestilence and death into a thousand quarters where they need never to have come. By a vigilant execution of judicious laws, small-pox, like the plague, might have been banished from Europe, but inoculation multiplied

the points from which the contagion spread and kept up the disease. So obvious was this effect of the practice, that in many countries it was forbidden by law. In Great Britain, however, it continued and continues till this day; and that not merely in hospitals, but patients have been permitted to be vaccinated abroad, and thus to carry the contagion among thousands whose poverty or ignorance prevents them from having recourse to the same safeguard, and whose miserable habitations and filthy habits give certainty and efficacy to the poison, whenever they are exposed to it.

It would not be difficult, we believe, to shew that in most instances of the epidemic, the small-pox has been first communicated or afterwards disseminated by means of the variolous inoculation. The disease when introduced into the city of Norwich remained almost dormant for nearly a year, affecting only a few individuals, until an alarm being excited, four or five hundred persons were inoculated, each of whom thus became the centre of contagion. And in the adjoining country,

'Itinerant inoculators, irregular practitioners, and old women introduced and extended the disease to all quarters by inoculation, regardless of the admonitions given them, because the law authorized no direct measures against them. These disastrous effects were most severely felt in the county of Norfolk, the disease being thus continually introduced into parishes previously free from it.' *Cross*, p. 219.

'This injurious result of the practice of inoculation is depicted by many in the strongest and most feeling language. One surgeon states that, from the first person who casually fell down with small-pox in his neighborhood, forty were immediately inoculated, spreading the disease in all directions; another, that in four parishes out of five, where he attended variolous patients, the contagion was brought by an irregular practitioner, who went about inoculating; a third, that a child went to an adjoining town to get inoculated, and became the centre whence the contagion spread through all the parishes under his care; a fourth, that a man of bad character and not at all acquainted with medical subjects, had, for a small gain, made it his business to extend the disease far and near.' p. 270.

Of the country surgeons in the neighborhood of Norwich, thirty-eight from various motives consented to communicate the small-pox by inoculation during the epidemic. Of those whom they inoculated, twenty-one died, and according to the usual proportion of deaths, the whole number who had submitted

to the disease under regular practitioners would be six thousand three hundred. 'Medical men, however, inoculated comparatively very few during the year of the epidemic. The greatest inoculators were the parents of poor children, farriers, blacksmiths, tailors, shoemakers, and old women.'

The effect which the introduction of the variolus inoculation had, to increase the actual number of deaths from small-pox, has been strikingly illustrated by sir Gilbert Blane, in the Transactions of Medical and Chirurgical Society of London, by a comparative statement of the mortality in London during four different periods of fifteen years each. The first includes the fifteen years immediately preceding the introduction of the variolous inoculation which took place in 1721; the second an equal length of time taken after the practice had become well established, beginning with the year 1745; the third refers to the fifteen years immediately preceding the discovery of vaccination ending in 1798; and the fourth embraces fifteen years, beginning with 1804, after vaccination had become extensively practised. The result of his computations exhibits the ratio of the number of deaths from small-pox to the whole number of deaths.

In the first	period	1	death in	12.7	or 78 in 1000	were from	small-pox
" second	"	1	"	11.2	or 89 in 1000	"	"
" third	"	1	"	10.6	or 94 in 1000	"	"
" fourth	"	1	"	18.9	or 53 in 1000	"	"

Applying these estimates to the whole population, sir Gilbert calculates that 23,134 have been saved during the last period 'in the metropolis of that country, which has less adopted vaccination than any other civilized country in the world.' It is not a little remarkable that the nation, which has the glory of having discovered vaccination, should have done less than any other towards the extermination of the small-pox, although in none have the medical profession been more generally convinced of its value, or more cordially disposed to co-operate in its diffusion. The continuance of the practice of inoculation, which has been relinquished by the good sense or forbidden by the laws of other communities, seems to be the principal reason why a greater effect has not been produced. By the laws of Great Britain, the public propagator of small-pox, who for a trifling fee jeopardizes the lives of thousands, is only liable to an action for misdemeanor; and of the execution of the law which authorizes this there is only one instance, and that was of 'a parent who carried her

child through the streets of London whilst laboring under small-pox, from which *eleven* persons took the disease and *eight* died.' The pertinacity with which the ignorant part of the public cling to their right of having the small-pox as their fathers had it, would be not a little ridiculous, were it less serious in its consequences. And these consequences, we are convinced by the statements of Mr Cross, must be more melancholy in the country than in cities, and could the calculations of sir Gilbert Blane be extended to the whole of Great Britain, the proportional increase of mortality from inoculation would probably be found greater. In fact, he observes, ' It was in the rural population that the effect of inoculation in diffusing small-pox was chiefly felt. In this situation there is much less intercourse of persons with each other than in towns, so that not only many individuals escaped from exposure to this infection during their whole life, but whole districts were known to have been exempt from it for a long series of years before it was universally diffused by inoculation.'

Even were vaccination far less effectual as a safeguard to *individuals* against the small-pox than the variolous inoculation, the power which it unquestionably possesses of completely exterminating the small-pox, gives it claims infinitely superior upon the attention of the world. This is and ought to be the principal object in view, and a few statements will be sufficient to settle every doubt of its practicability. So soon as the year 1804, no cases of the small-pox occurred in Vienna, with the exception of two strangers who came into the city with that disease upon them. In Denmark, vaccination was introduced in the year 1800, by laws which were rigidly enforced. By these it was ordered that no individual should be received at confirmation, admitted to any school, bound apprentice to any trade, or married, who had not been vaccinated, unless he had formerly undergone the small-pox. The effect has been that small-pox no longer exists and has scarcely been heard of since 1808; and whereas five thousand five hundred individuals died from it in the city of Copenhagen alone, for the twelve years preceding the introduction of vaccination, in the year 1805 not a single death occurred, and in the whole Danish dominions only one hundred and fifty-eight have occurred since the year 1802. In Prussia the effects of vaccination, diffused with the assistance of the public authority, have been almost equally decisive. Formerly, forty

thousand deaths were calculated to take place annually from the small-pox, whilst in 1817 they had been reduced to two thousand nine hundred and forty—the total number from all causes amounting to three hundred and six thousand seven hundred and twenty-eight; so that the proportion of deaths from small-pox to those from other causes has been reduced from one in seven to one in one hundred and four. And in Berlin, where the greatest exertions have been made to introduce vaccination universally, but where also they are much more liable, as in all great cities, to the introduction of small-pox, the proportion of deaths from that disorder was, in 1819, only one in two hundred fifty-four, whilst only two years before in London the proportion had stood as one in nineteen. In the principality of Anspach in Bavaria, containing a population of two hundred and sixty-six thousand four hundred and six individuals, five hundred died annually of small-pox in the years 1797, 1798, and 1799, and sixteen hundred and nine in the next year, 1800, giving a proportion in the former years of about one death in thirteen from small-pox, and in the latter of about one in four or five. In this state of things the cow-pox was introduced, and its diffusion promoted by laws which imposed fines and penalties on those who refused to submit to it. Inoculation for the small-pox was forbidden; and so positive has been the effect of the extension of this practice that from 1809 down to 1819 only four cases have occurred of the disease, and not a single death, and this too while the small-pox has been prevailing epidemically in the neighboring kingdom of Wirtemberg. In France prizes are annually distributed to those surgeons who have vaccinated the greatest number. The report of the central committee of vaccination for 1816 exhibits a striking view of the benefits derived from the practice in a single year. In 1815 from the unsettled state of public affairs it had been neglected, but was resumed in 1816 with great vigor. The effects were immediately perceptible from a comparison of the number of cases and deaths from small-pox in the two years. The vaccinations were increased and the cases of small-pox decreased in number one third, the deaths were not so frequent by one half, and the instances of disfiguration, blindness, &c. were proportionally lessened. The same committee had previously reported the extinction of the small-pox at Lyons and other districts. In Lombardy the small-pox had disappeared from all the large towns in 1808,

and in Milan had not been known for several years. In Geneva, as stated by Dr Oder, vaccination has extirpated the disease; and even when casually introduced, it does not spread, the inhabitants, from the universality of vaccination, having ceased to be susceptible. In 1811, as sir Gilbert Blane was informed by a delegate from Lima in Peru to the Spanish cortes, 'vaccination had been practised with so much energy and success in Lima, that for the last twelve months there had occurred, not only no death from small-pox, but no case of it; that the new-born children of all ranks are carried as regularly to the vaccinating house, as to the font of baptism; that the small-pox is entirely extinguished all over Peru; nearly so in Chili; and that there has been no compulsory interference on the part of the government to promote vaccination.'

Evidence of this kind might be easily multiplied to a much greater extent, but this would be unnecessary when we have in our own country a daily example of what vaccination is capable of doing towards the extermination of the small-pox. For although probably not a year passes that subjects labouring under this disease are not introduced among us, yet it is seldom, if ever, that they extend the disease beyond themselves. It is our duty to take care that by an indolent security we may not be induced to neglect the means to which we now owe our safety, and lay ourselves open to the future inroads of that pestilence from which our country has in former times most severely suffered.* There is little danger among the better classes of the community, that they will fail to adopt the necessary precautions for securing themselves. The great fear is, that, from the long continued absence of the disease, society will cease to take care of the health of those who can seldom be induced to take care of it themselves, the poor and uneducated. We have no public means by which we can feel certain that vaccination will be kept up among them; every thing has been left to depend upon the benevolence and activity of those practitioners who are principally applied to

* In 1721, the year in which inoculation was introduced, the small-pox visited Boston and the adjacent country. In Boston, five thousand eight hundred and eighty-nine suffered from the disease, of whom eight hundred and forty-four died; an immense proportion, considering the number of inhabitants at that time, and nearly equal to the total number of deaths at this period.

by the lower classes. The negligence and supineness of the poor with regard to vaccination is really astonishing; and as an example of it we may refer to Mr Cross's account of the pauper vaccination in Norwich. It appears, that a reward of half a crown was offered to every poor person who should bring a certificate of his having passed regularly through the cow-pox; and yet the number of rewards actually paid in a population of 47,000 were one year only eleven, and never exceeded sixty-four, except when an alarm of small-pox existed, which raised the number to three hundred and forty-eight.

The cause of vaccination is the cause of humanity. It is of the greatest importance that it should be seen in its true light, lest society deceived by an imperfect knowledge of any of the facts which have come to light with relation to it, should diminish their confidence in its powers. By its universal diffusion alone, can we hope to be delivered from the greatest scourge which has ever afflicted our species, from a disease the most disgusting and loathsome in all its forms, a disease which has been computed to sweep from the earth annually nearly a million of human beings, and to leave almost as many more in a state of blindness or disfiguration, a disease, which according to sir Gilbert Blane, has destroyed a hundred for every one that has perished by the plague.

Art. XV.—1. *Report with sundry Resolutions relative to Appropriations of Public Lands for the purposes of Education, to the Senate of Maryland, January* 30, 1821. *By V. Maxcy, chairman of the committee on Education and Public Instruction.*

2. *Report on the expediency of granting Public Land for the support of Education in the Senate of the United States, February 9th,* 1821.

3. *Report of the Committee on Colleges, Academies, and Common Schools, in the Legislature of New York, March* 30, 1821, *upon the Message of his Excellency the Governor, communicating the Resolutions of the Legislature of Maryland. By G. C. Verplanck, chairman of the committee.*

Sparks

The subject, which we are now about to consider, is manifestly of great national importance. It relates to a very exten-

sive appropriation of the national property for the support of schools. Grants of national lands have already been made to a considerable extent, for the aid of colleges and schools in some of the western states. The same grants have not as yet been extended to the old states, and it seems now to be made a question, whether these states have any claims on the general government for similar grants, as a balance to what are conceived to be at present the exclusive privileges of the new states. The subject was first brought before the public, we believe, by Mr Maxcy in a report made by him as chairman of the committee on education and public instruction, in the senate of Maryland, February 1, 1820. After stating the manner in which the lands have been granted in the west, Mr Maxcy observes;

'The public lands, though *located* in the west and south, are the common property of all the United States. Each state has an equal right to a participation, in a just proportion of that great fund of national wealth. Your committee can discern no reason why the people, who have already settled in, or shall remove to, those states and territories, which have been formed out of these public lands, should enjoy any peculiar and extraordinary advantages from this common property, not possessed by those who remain in the original states. They are far from censuring that enlightened policy, which governed congress in making the liberal appropriations above mentioned, for the encouragement of learning in the new states and territories. They, on the contrary, most heartily applaud it. But they, at the same time, are of opinion that the people of the original states of this union, by whose common sword and purse those lands have been acquired, are entitled, upon principles of the strictest justice, to like appropriations for the endowment and support of literary institutions, within their own limits.'

The Report, containing the words here quoted, was introduced too late to be taken into consideration during that session of the legislature. The same proposition was renewed the year following by Mr Maxcy, and defended in an able and elaborate Report, which was adopted by the senate and house of delegates of Maryland. The following resolutions were passed in both houses.

1. '*Resolved by the General Assembly of Maryland*, that each of the United States has an equal right to participate in the benefit of the public lands, the common property of the union.

2. 'That the states in whose favor Congress has not made appropriations of land for the purposes of education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of the other states.

3. 'That his excellency the governor be requested to transmit copies of the foregoing Report and Resolutions to each of our senators and representatives in congress, with a request, that they will lay the same before the respective houses, and use their endeavors to produce the passage of an act to carry into effect the just principles therein set forth.

4. 'That his excellency the governor be also requested to transmit copies of the said Report and Resolutions to the governors of the several states of the union, with a request that they will communicate the same to the legislatures thereof, respectively, and solicit their co-operation.'

These resolutions have been accordingly transmitted to the governors of the several states. In Virginia, if we are rightly informed, they were assented to unanimously. In New York a counter report was drawn up by Mr Verplanck, chairman of the committee on colleges, academies, and common schools, and accepted by a majority of the legislature. Connecticut has approved the Maryland resolutions, and adopted a report, which, among other things, contains a resolution requesting 'the senators and representatives of that state in the Congress of the United States to use their endeavors to procure an appropriation of a part of the public lands, for the promotion of the objects of science and education in the several states, to be divided among them in such manner and proportion as to congress shall appear just and equitable.' What have been the decisions of the other states, whose legislatures have been in session since they received the Maryland resolutions, we have not learned.

Before we undertake the investigation of the principles on which the Maryland resolutions are founded, it may be well to inquire a little into the manner in which the United States came into possession of the public lands. The greatest part of those, on the east side of the Mississippi river, was derived by cessions from several states. The claims of these states to any portion of the lands, beyond their established boundaries, were, in our view, for the most part merely nominal, and in no case supported by any good foundation. Take Virginia as a memorable example. This state professed to claim all the extensive and valuable territory northwest of the Ohio,

and east of the Mississippi. But upon what grounds will appear by a very brief statement of facts.

Originally the whole tract of country north of the Gulf of Mexico, extending to the present northern boundary of the United States, was called Virginia. This name was given to the country after sir Walter Raleigh's expedition. The patent granted to him by queen Elizabeth specified neither name nor limits. The new patent of James I was more definite. This patent was granted with similar conditions to two separate companies, one of which settled at Plymouth, and the other near Cape Henry. The quantity of land of which each was to take possession was limited to one hundred miles along the coast, and one hundred up the country, making a square of one hundred miles.

The settlers near Cape Henry were usually denominated the South Virginia, or the London Company. To this company, in the year 1609, and six years after the date of their first patent, was granted a new patent or charter, enlarging the boundaries of their former grant. And this is the charter from which Virginia professed to derive her title, after the revolutionary war, to the territory northwest of the Ohio. The boundaries of the tract thus granted to the London Company were defined as follows, namely, 'being in that part of America, called Virginia, from the point of land called Cape or Point Comfort all along the sea-coast to the northward, two hundred miles, and from the point of Cape Comfort all along the sea-coast to the southward two hundred miles; and all that space and circuit of land lying from the sea-coast of the precinct aforesaid, up into the land throughout from sea to sea, west and northwest.' *Charter of Virginia, sec.* 6. Few men at the present day, probably, would presume so much on their sagacity, as to attempt to attach any meaning to the last half of this extract. At the commencement of the revolution, however, it was discovered to have a very profound meaning, and on this obscure clause alone were built the claims to all the unsettled lands in the northwestern territory. The phrase, *from sea to sea*, it was contended, meant the whole space between the Atlantic and the Pacific oceans. But the claimants, notwithstanding, were not so exorbitant in their demands. Their moderation brought them within vastly narrower limits, than, according to their interpretation, the charter warranted. By gradual encroachments, other states had been formed with-

in what were contended to be the chartered limits, and Virginia was at length bounded on the north by Maryland and Pennsylvania, and on the south by North Carolina. By the treaty of 1763 between England and France, the Mississippi was established as the boundary between British America and Louisiana. This brought the limits of Virginia very much short of the Pacific Ocean. And, finally, the claimants were contented to have their territory compressed within the lakes on the north, and the Mississippi on the west; thus giving up the very interpretation of their charter, upon which alone they professed to found any claim.

But what makes the thing still more extraordinary is, that the charter was vacated, fifteen years after it was granted, by a *quo warranto* from Charles I. The company, to which it had been given, was dissolved. Oldmixon says, that this was caused by the mismanagement of the proprietors. Grants were given to private adventurers, who not only raised quarrels among themselves, but exasperated the Indians, and induced them to commit outrages on the peaceable settlers. To prevent further difficulties, king Charles dissolved the company, and annulled the charter. He took the colony under his own direction, sent out officers of his own appointment, reserved a quitrent to himself, and ordered all grants and patents to be given in his name. How then could any claim be made under this charter, even admitting the obscure clause, which alone was supposed to sanction the claim, to have any meaning? The charter was never afterwards made the rule of government in the colony. The king was the only proprietor and Virginia was in the strictest sense a regal province.

This was also the understanding of the British government, as is manifest from the proclamation of the king in 1763, relating to the American colonies. It is there stated to be the royal will and pleasure, that no governor, or other officer in the colonies should 'grant warrants of survey, and pass patents for any lands beyond the heads or sources of any the rivers, which fall into the Atlantic Ocean from the west, or northwest.' *Laws of the U. S. vol. i, p.* 446. This language is a proof, that the king considered Virginia a regal colony, and that its western boundary, even in that charter, did not extend beyond the Alleganies. The Council of Virginia received the king's proclamation in this sense, as may be seen in a letter of the president of the council to Lord Hillsborough. After-

wards, also, when lord Dinsmore made a grant of certain lands on the Ohio, without the king's authority, he received a sharp reprimand in a letter from the secretary of state, reminding him of the 'king's express command, that no lands should be granted beyond the limits of the royal proclamation of 1763, until the king's further pleasure was signified.' From the facts contained in this short view of the subject, the inference is irresistible, that Virginia, as a distinct colony, had no claims to any of the unappropriated lands.—The subject of the Virginia claims was handled with great ability at the time, in an essay entitled *Public Good*, by a writer who has been more famed for his acuteness and talents as a politician, than for the correctness of his moral principles, or his reverence for religion. If the same investigation were pursued in regard to the other states, we are convinced their claims would prove quite as groundless as those of Virginia. Those parts of the charters, by which these claims were supposed to be sustained, are either so unintelligible, contradictory, or indefinite, as to render it almost absurd to make them a serious ground of claim. Take, for instance, the following clause in the charter of Massachusetts, upon which the claim of that state was grounded. After defining the northern boundary of the province, the charter goes on to include 'all the lands and hereditaments whatsoever, lying within the limits aforesaid, and extending as far as the outermost points or promontories of land called Cape Cod and Cape Malabar, north and south, and in latitude, breadth, and in length, and longitude, of and within all the breadth and compass aforesaid, throughout the main land there, from the said Atlantic or western sea and ocean, on the east part, towards the south sea or westward, as far as our colonies of Rhode Island, Connecticut and the Narragansett country.' Now, who can persuade himself, that he has any clear ideas on reading this passage? And above all, that it could give any just claim to a tract of country three thousand miles in extent, from the Atlantic to the Pacific ocean; more especially, when it is known, that this would pass directly across the large grant, which had already been made by Charles II to the Duke of York?* The charter of Connecticut is less obscure, it is true, and states in plain language, that the boundary of the colony should be 'the South

* The charter of the Province of Massachusetts Bay was given October 7, 1691; and the grant to the duke of York, March 12, 1663.

sea on the west part.' This, also, was given the year before the grant to the duke of York, and is not, on this ground, subject to the same objection as the charter of Massachusetts.

But before any *right* can be supposed to grow out of this obscure language of the charters and grants, is it not necessary to ascertain the views and intentions of the parties? It was the general impression, that the South sea was very near the Atlantic. Drake had seen the Pacific and the Atlantic from the same point on the Isthmus of Darien. The proximity of the two seas was supposed to be the same along the northern coast. This is proved from several curious facts. Stith relates, in his History of Virginia, that in the year 1608 a company was fitted out in England, with a barge, that might be taken in pieces, with which the company were instructed, under the command of captain Newport, to go up James river with a view to discover the country of the Monakins, 'and from thence they were to proceed, *carrying their barge beyond the falls to convey them to the South sea.*' Hutchinson also gives an account of some of Champlain's people, who, 'having been but a few days' march from Quebec, returned with great joy, supposing, that from the top of a high mountain, they had discovered the South sea.' Such were the vague notions, when the charters were granted, respecting the situation of the South sea, or the Pacific ocean. The truth is, the South sea boundaries seem to have been another name for indefinite limits, which the king was afterwards to circumscribe and define as he should think proper. This is very plain from the circumstance of grants being made, which ran into the western borders of the colonies, whose chartered limits were defined in this obscure manner. Thus, Maryland, Pennsylvania, and North Carolina, were taken out of what were considered the chartered limits of Virginia, and made over by royal charter to their respective proprietors. Then, and not before, the northern and southern boundaries of Virginia became defined. And so with the western boundary of Connecticut, which was at first unlimited. It was defined the year after by the grant to the duke of York. We may say the same of the western limits of Carolina, which at first extended to the South seas, or indefinitely. They were afterwards defined by the Georgia charter. If it was not the understanding from the beginning, that these western limits were considered indefinite, and left to the future decision of the crown, how is it to be ac-

counted for, that encroachments were suffered thus to be made without a single remonstrance, or complaint from the states, or colonies, thus encroached upon?

From these views we are convinced, that, before the revolutionary war, no state had any claims to lands beyond its chartered limits, and that no fair construction of any charter could extend these limits into the lands northwest of the Ohio. These were residuary lands, neither subject to the control of any proprietary, or chartered colony, nor any of the colonial crown governments, but wholly, and exclusively, at the disposal of the king. For the same reason, after the revolution, they belonged to the United States. In regard to Georgia, although it was bounded by the 'South seas' on the west, nevertheless all the territory west of the Mississippi belonged at that time to the French. And whatever question of territory might arise, this state could exhibit no exclusive claims on the strength of its charter; because twenty years after the charter was given, it was surrendered to the king, and the government became entirely regal. The claims of North Carolina were less incumbered, as its western limits had not been defined by any charter subsequent to its own. The United States, however, had the same power to define these limits, as the king had before the revolution, and which, as we have seen, he exercised in numerous instances.

The question concerning the lands, involved in these claims, began to be agitated soon after the declaration of independence. The claims of particular states were considered unjust and unfounded by those states, which had no part in these claims. It was contended, that the right of property in these lands was secured by the common efforts, and the common sacrifices of all the states, and that justice demanded they should be appropriated for the equal benefit of all. The state of Maryland, in particular, expressed a prompt, and very decided opinion.

'This state,' says Mr Maxcy, 'as early as the 30th October 1776, expressed its decided opinion, in relation to the vacant lands, by an unanimous resolution of the convention, which framed our constitution, and form of government, in the following words: "Resolved *unanimously*, that it is the opinion of this convention, that the very extensive claim of the state of Virginia to the back lands hath no foundation in justice, and that if the same, or any like claim is admitted, the freedom of the smaller states and the liberties of America may be thereby greatly endangered; this

convention being firmly persuaded, that, if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered as a common stock, to be parcelled out at proper times into convenient, free, and independent governments."

'In the years 1777 and 1778, the General Assembly, by resolves, and instructions to their delegates in Congress, expressed their sentiments in support of their claim to a participation in these lands, in still stronger language, and declined acceding to the confederation, on account of the refusal of the states claiming them *exclusively* to cede them to the United States. They continued to decline, on the same grounds, until 1781, when to prevent the injurious impression, that dissension existed among the states occasioned by the refusal of Maryland to join the confederation, they authorized their delegates in Congress to subscribe the articles; protesting, however, at the same time, against the inference, (which might otherwise have been drawn,) that Maryland had relinquished its claim to a participation in the western lands.'

The Maryland resolution was probably in unison with the prevailing sentiments and feelings of the other states. But nothing decisive was done till after the treaty of peace in 1783. By this treaty Great Britain relinquished 'to the United States all claim to the government property, and territorial rights of the same, and every part thereof.' This established a new relation between the states. It gave strength and certainty to the bond of union, which had before been comparatively weak and dubious. They had not the same motives for clinging to individual interests, as when they were looking forward to a variety of possible results. The great object, for which they had been struggling, and in which they had merged all others, was at length gained. Their independence, and every political, civil, and religious right had been secured. The important question remaining was, how these privileges were to be converted to the most certain means of a permanent union and happiness? Policy and interest united with the best moral principles to dictate the wisest course. The generous spirit of patriotism, and a disposition to conciliate, which must at this time have pervaded all parties, produced just impressions, and brought into harmony the views of those, who before acted on discordant principles, because they imagined themselves to have separate and conflicting interests. Influenced by motives like these,

and perhaps by many others equally honorable, the respective states yielded up what they conceived to be their claims to the unsettled lands. These cessions were made at different times, and all, except that of Georgia, within a few years after the peace.

By these cessions, all the unappropriated lands, within the bounds of the United States, except such as belonged to the Indians, became the property of the United States, and are of course brought under the jurisdiction of the general government of the states. The result, therefore, was precisely the same as if no claims had been made, with this difference only, that some of the states gave up their claims with reservations and conditions. These the United States' government was bound to respect, whatever might have been the original validity of the claim; because receiving lands as a cession was acknowledging a previous right to those lands in the party which made the cession. Hence Connecticut reserved a valuable tract on the south shore of lake Erie, the proceeds of which have since been most wisely and munificently appropriated for the benefit of schools in that state. It was also made a condition of the cession by Georgia, that the United States should pay one million two hundred thousand dollars to that state, and extinguish the Indian title to such lands as were held by the Indians, within the reserved limits of the state. No attempt was ever made to contest the claims of any of the states. They were all voluntarily given up, and in this amicable manner the United States have acquired an indubitable title to all the public lands on the east side of the Mississippi. The territory west of the Mississippi, as well as the southern parts of the states of Mississippi and Alabama, was purchased by the United States of France in 1803, and paid for out of the common fund. It hence follows, that all these lands are the common property of all the states collectively, and under the entire control of Congress.

As these lands are a common property, in which each state has an interest proportionate to its significance in the union, they ought to be so disposed of as to confer a proportionate benefit on each. This is equally conformable to justice, and the fundamental principles of our federal union; and, moreover, this disposition of the lands was, with some of the states, a special condition of cession. This was particularly the case with Virginia, whose claim was considered much the

most important. After specifying certain conditions, requiring the United States to reimburse the expenses, which Virginia had incurred in defending the territory, and also providing that the French inhabitants within the territory should have their possessions confirmed to them, the act of cession requiring that all the lands, not included in other special conditions, 'shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.' Here is an express stipulation, and it is the spirit of all the acts of cession. Now, as we have already observed, however defective the claims of any state were originally, when they were recognized, the United States were bound to comply with all conditions on which a title was resigned. These conditions, therefore, expressly on the part of Virginia, and impliedly on the part of the other states, afford an additional reason, if such a reason were required, why all the public lands obtained by cessions should be appropriated for the proportionate benefit of every section of the union. No argument is required to prove that all the lands, which have been purchased out of the national fund, should be disposed of by the same rule of appropriation.

We come next to inquire whether Congress has uniformly acted upon this principle. Have the proceeds of the public lands been distributed in due proportion to every part of the union? Mr Maxcy's remarks on this subject are pertinent and just.

'So far as these lands have been sold, and the proceeds been received into the national treasury, all the states have derived a justly proportionate benefit from them. So far as they have been appropriated for purposes of defence, there is no ground for complaint; for the defence of every part of the country is a common concern. So far, in a word, as the proceeds have been applied to NATIONAL, and not to STATE purposes, although the expenditure may have been local, the course of the general government has been consonant to the principles and spirit of the federal constitution. But so far as appropriations have been made, in favor of any state or states, to the exclusion of the rest, where the appropriations would have been beneficial, and might have been extend-

ed to all alike, your committee conceive there has been a departure from that line of policy, which impartial justice, so essential to the peace, harmony, and stability of the union, imperiously prescribes.'

In discussing this subject, it is important to keep in mind some definite notions of the distinction between NATIONAL, and STATE interests. In one sense they are the same. Whatever may be said, with strict truth, to be beneficial to the nation, may be considered in some degree beneficial to each part, inasmuch as the safety of a part depends on the stability and welfare of the whole. But, on the other hand, it is very possible for the whole to be benefitted at the expense of a part; so that the United States may be gaining strength and prosperity, while an individual state is losing its comparative standing and influence. In all such cases some of the states are increasing beyond their due proportion. This consequence may sometimes happen to a certain degree, from the nature of our political and local relations; and for this reason, it is a consequence, against which it is the duty of Congress to guard with very great vigilance. So far as it depends on the structure of the state governments, the nature and productiveness of the soil, the institutions and occupations of the people, or any thing peculiar to place or condition, it can hardly come under the control of Congress. And as all these circumstances will have a very active influence in moulding the character, and deciding the comparative importance, prosperity, and happiness of individual states, it becomes so much the more necessary, that in all those things, in which Congress has the power of bestowing benefits, this duty should be discharged with the strictest impartiality.

The defence of the country, and the protection and encouragement of commerce, are a common cause, and whatever appropriations are made for these purposes may be considered as promoting *national* interests. By these, every state is benefitted alike, because the rights of each are equally secured, and the expenses of each for the support of the general government are proportionally paid. *State* interests are such as relate to all kinds of internal improvements, agriculture, manufactures, encouragement of industry, science, literature, the arts, or useful inventions. To promote any of these purposes, no appropriation can justly be granted to any state, or section of the union, without an equivalent, either in kind

or value, to *every other* state, or section. This is a fundamental principle, which should not be violated to the injury of any state, even if such violation were to produce a large *national* benefit; for this principle is the only security of the *state* interests. Congress may, and ought, to afford encouragement to all the purposes here enumerated, but never for the benefit of the whole, or a part, to the manifest injury of another part. If it can be allowed that, on any possible occasion, a majority of Congress may vote away the privileges of an individual state for the general good, it will virtually dissolve the ties which bind the states together, by destroying the object for which a union is desirable. Each state has rights, privileges, and concerns, peculiar to itself, which it is as important should be maintained, as those which it enjoys in common with the other states. If extreme cases can be imagined, in which the principle here stated cannot easily be reduced to practice, yet the *principle* should be held sacred, and never be deserted without an obvious necessity, or as a temporary and pressing expedient. By this principle it is proper to try the proceedings of Congress in regard to the plan, which has been pursued in disposing of the public lands.

Before any of the states had relinquished their claims, it was urged by those, who did not hold these claims to be good, that a portion of the public lands should be converted into the means of defraying the expenses of the war, in which all were taking an equal part. New York was the first state which resigned its claims, and in the preamble to the act giving power to its delegates in Congress to make the cession, it is stated, apparently as a motive, that it 'had been conceived, that a portion of the waste and uncultivated territory, within the limits or claims of certain states, ought to be appropriated as a common fund for the expenses of the war.' And this is the purpose for which the revenue derived from the sales of these lands has been applied by Congress. Acts have been passed at different times to facilitate this object; and the whole amount of proceeds arising from these sales is now pledged for the gradual payment of the public debt, till it shall be extinguished. This scheme is no doubt equitable. It operates equally in favor of all the states. It consults the national interests, without interfering with those which are peculiar to any of the states.

But another system adopted by Congress for disposing of

the public lands, is that first proposed in the ordinance of May 20, 1785, and which has since received several modifications. This is the system which is thought to be partial in its action, by granting privileges and property out of the common stock, to some of the states, which are not granted to others. The outlines of the plan may be detailed in few words.

All the public lands are surveyed according to the laws and directions of Congress. They are uniformly divided into townships of six miles square, by lines running with the cardinal points, and consequently crossing each other at right angles. Every township is divided into thirty-six sections, each a mile square, and containing six hundred and forty acres. One section in each township is reserved, and given in perpetuity, for the benefit of common schools within that township. Thus one thirty-sixth part of all the public lands is appropriated for the benefit of particular states in aiding common schools. In addition to this, the state of Tennessee has received a grant of two hundred thousand acres for the support of colleges and academies. For the same purpose, also, two entire townships have been granted to Ohio. The appropriations generally, in the new states, for seminaries of the higher order, according to Mr Maxcy's statement, amount to about *one fifth* of those for common schools.

Starting with these facts, Mr Maxcy goes into a calculation to ascertain what quantity of land, according to this system, will be taken from the common property of the United States for the use and benefit of those states only, which have been, or will be formed in the territory not embraced in the old states. As the basis of his calculation he takes the estimates contained in Seybert's Statistical Annals. From these it would appear, that the states and territories on the east side of the Mississippi, in which appropriations have been made, amount to 237,297,125 acres. And according to the ratio abovementioned, the aggregate number of acres actually appropriated on the east side of the Mississippi is 7,909,903.

Seybert also estimates the lands purchased of France in 1803 at 200,000,000 acres. The same system of appropriation will no doubt be applied on the west as on the east side of the Mississippi. This will make for schools and colleges 6,666,666 acres. And the total appropriations for literary purposes in the new states and territories will be 14,576,569 acres. At two dollars an acre, which is lower than the aver-

age price at which the public lands have thus far been sold, the value of these appropriated lands will amount in money to $29,153,139. Such is the immense amount of property, which, according to the system now pursued by Congress, will be taken from the common stock for the encouragement of learning in particular sections.

This is too plain a case to need any reasonings or illustrations to show that the system, in its present restricted operation, does not extend equal privileges to all parts of the union. Its justice can only be made to appear by proving, that the states which do not participate in these grants, have, in some other way, received an equivalent. But this cannot be proved. They certainly have not received any equivalent in land, for no appropriations of lands have been made for their benefit, as in the other states. Nor have they received any equivalent in value from other sources. In short, the old states neither have received, nor can receive, any benefit whatever from these appropriations farther than they are the means of advancing the general interest of the United States. But this is a benefit which the new states enjoy equally with the old, and this too in addition to the full value of all the lands granted for schools. To produce an equality, even on this principle of all the states being benefitted by these grants, the same appropriations must be made to the other states; not by taking any thing away from the new states, but by giving to the others, out of the lands which still remain, a quantity proportionate to what they have received.

This view of the subject reflects no censure on Congress for the course they have pursued in disposing of the public lands. On the contary, every friend to enlightened improvement must consider it as dictated by sound policy, wisdom, and benevolence. The system is by no means partial in *principle*, nor necessarily so in application. It has happened, for what reason it is not our present purpose to inquire, that it has not as yet been applied in its full extent. This can now be done with perfect consistency, and without interfering in the remotest degree with any of its former applications, or the consequences resulting from them. Not a single act of Congress would need be repealed, nor would a single alteration be required in the machinery of the land department. No request is made to Congress to retrace steps before taken, but to go forward and finish the work that has been begun.

The constitution delegates to Congress an absolute control over the territories, and all the public lands of the United States; but, at the same time, it takes care to circumscribe this control within due limits, by adding the following clause, namely, 'and nothing in this constitution shall be so construed as to prejudice any claims of the United States, *or of any particular state.*' Now the system by which the public lands are disposed of, in its present restricted application, does prejudice the claims of particular states, because each state has an equal claim to a proportional share of the common property of the whole. Each state, therefore, not enjoying a privilege which has been granted to others, has a constitutional claim on the United States for this privilege, and a right to demand it of Congress. That one, or any number of states, has forborne to make this demand, is no proof that the claim is annulled, or even weakened. The claim receives its validity from the constitution itself, and must continue good, while the constitution remains in force. It hence follows, that the acquiescence of the old states in the partial operation of this system till the present time, is no evidence that their claim has been relinquished, or that it is not in all respects as strong as if they had urged it sooner.

Nor ought any preference to be given to particular states, in making donations of lands, from the circumstance of these lands being within the limits of those states. Wherever they are situated, they are common property, in which every citizen of the United States has an interest. Although they are within the jurisdictional limits of a state, they cannot be taxed by that state, nor be made subject to any state laws respecting sales or titles. These things are wholly regulated by the laws of Congress, in the same manner as with lands in a territory not yet formed into a state. In regard to the justice of the principle, Congress might with as much propriety grant lands in the western territory for the purposes of education in an eastern state, as a western. In either case, it is public property given to a particular state, or, in other words, it is the property of the nation devoted, not to *national*, but to *state* purposes.

We are speaking here of the *justice of the principle*, without pretending that circumstances may not occur in which sound policy would justify, within a limited extent, an unequal distribution of public property. But under no circumstances, we apprehend, can this be done, without a corresponding bene-

fit of some sort to all the states, and as nearly equivalent as the nature of the case will admit. Now we contend, that no such circumstances as those above mentioned are connected with the appropriations, which have already been made for the encouragement and support of education in the western states. No good reason can be shown why one state should be preferred to another in making this distribution. The revenue derived from commerce is public property, and on the same footing, in this respect, as the public lands. This revenue is chiefly collected in the commercial, or Atlantic states. And this affords just as good an argument in favor of giving a portion of this revenue for the particular benefit of the states in that section, as the circumstance of the public lands being in the west does, that they should be converted to a local advantage in that quarter. The fact, that this revenue is ultimately derived, not from the Atlantic states, but from all the states in which the articles of commerce are consumed, does not alter the case. The public lands have been derived in the same manner; that is, from the common treasure, and united efforts of all the states.

The facts we have thus brought forward, and the view we have taken, conduct us to the following results. First, none of the states originally had any valid claims to the lands which have since been made over by formal cessions to the United States. They were national possessions from the beginning. But when the United States consented to accept them as lands of cession, it was virtually acknowledging the claims to be just, and bringing themselves under an obligation rigidly to comply with any conditions attached to the articles of cession. Secondly, the principles of justice, and the letter and spirit of the constitution require, that the public property should be appropriated for the equal benefit of all the states. Thirdly, the system followed in disposing of the western lands has not operated equally, but has favored some states more than others. Fourthly, it is not only a constitutional right, but the duty of the states, which have thus been neglected, to petition Congress for an equal extension of privileges.

To some of the positions, which we have attempted to establish, objections have been made, especially in the Report of the committee of public lands in the senate of the United States, and in the Report respecting the Maryland resolutions in the legislature of New York. To these objections we now proceed briefly to reply.

It has been said, that the other states have actually received an adequate consideration for the lands appropriated for schools in the west. The money, which has accrued to the national treasury, by the increased value of the public lands, is thought to be a compensation. This was stated in the Report to the senate of the United States, and more at large by Mr Verplanck in the New York Report. He speaks as follows.

'Reservations of school and college lots are upon a large scale, what the reservations of public squares and walks, of lots for churches, markets, and public edifices are in the plans of cities and villages. They are not gratuitously bestowed upon the inhabitants; nor is their value lost. But on the contrary, they tend to increase their aggregate value far beyond their own proportion, and their price is far more than paid in part of the purchase money of every private sale.'

Such, Mr Verplanck thinks, has been the effect of the western grants.

'They have induced a readier sale, a higher price, and from the character of those settlers, who would be most attracted by these prospects, a more prompt payment. The reservations complained of ought, therefore, to be regarded, not as a partial donation for local objects, entitling every state to similar ones on principles of strict justice, but as a judicious arrangement, calculated and intended to increase the value of that "common fund, held for the use and benefit of the several states," and made not for state, but for national purposes.'

This argument had already been anticipated by Mr Maxcy, and answered in a manner so lucid, forcible, and conclusive, that we are surprised to find it repeated by the New York committee, without any reply to the reasonings contained in the Maryland Report.

'Your committee are aware,' says Mr Maxcy, 'that it has been said, that the appropriation of a part of the public lands to the purposes of education, for the benefit of the states formed out of them, has had the effect of raising the value of the residue, by inducing emigrants to settle upon them. Although in the preambles of such of the acts on this subject, as have preambles, the promotion of religion, morality, and knowledge, as necessary to good government and the happiness of mankind, have been assigned as the reason for passing them, and no mention has been made of the consequent increase in the value of the lands, that would remain, as a motive for the appropriation, yet the knowledge, that provi-

sion had been made for the education of children in the west, though other motives usually influence emigrants, might have had its weight in inducing some to leave their native homes. If such has been the effect, the value of the residue of the lands has no doubt been increased by it. This increase of value, however, has not been an *exclusive* benefit to the Atlantic states, but a benefit *common* to all the states, eastern and western; while the latter still enjoy *exclusively* the advantage, derived from the appropriations of land for literary purposes. The incidental advantage of the increase in value of the public lands, in consequence of emigration, if it is to be considered in the light of a compensation to the old states, must be shown to be an advantage *exclusively* enjoyed by them. That this however is not the case is perfectly obvious, because the proceeds of the lands, thus raised in value by emigration, when sold, go into the United States treasury, and are applied, like other revenues, to the *general* benefit; in other words, to NATIONAL and not to STATE purposes.

It is moreover most clear, that this increase of the value of lands in consequence of emigration, produces a peculiar benefit to the inhabitants of the new states, in which the inhabitants of the other states, unless owners of land in the new, have no participation. This benefit consists in the increase of the value of their own private property.

On the other hand, it is undoubtedly true, that emigration is injurious to the Atlantic states, and to them alone. While it has had the effect of raising the price of lands in the west, it has, in an equal ratio at least and probably in a much greater, prevented the increase of the value of lands in the states which the emigrants have left. It is an indisputable principle in political economy, that the price of every object of purchase, whether land or personal property, depends upon the relation, which supply bears to demand. The demand for land would have been the same, or very nearly so, for the same number of people, as are contained within the present limits of the United States, if they had been confined within the limits of the Atlantic states. But the supply in that case would have been most materially different. It must have been so small in proportion to the demand, as to occasion a great rise in the value of land in the Atlantic states; for it cannot be doubted, that it is the inexhaustible supply of cheap and good land in the west, which has kept down the price of land on the eastern side of the Alleghany. If the Atlantic states had been governed by an exclusive, local, and selfish policy, every impediment would have been thrown in the way of emigration, which has constantly and uniformly operated to prevent the growth of their numbers, wealth, and power; for which disadvantage the *appreciation* of their interest in the public lands,

consequent upon emigration, can afford no adequate compensation. It appearing then perfectly clear to your committee, that emigration is exclusively advantageous to the new states, whose population, wealth, and power are thereby increased at the expense of those states, which the emigrants abandon, the inducement to emigration furnished by the appropriation of public lands for the purposes of education in the west, instead of affording a reason for confining such appropriations to that quarter of the union, offers the most weighty considerations of both justice and policy, in favor of extending them to the states, which have not yet obtained them.'

This reasoning seems to us legitimate and unanswerable. The argument itself, which proves the United States to have received a benefit by reason of the inducements held out in the west to emigration, is as powerful evidence as can be had of the unequal operation of the system. The value of the lands has been increased, it is true, and the national treasury has become richer. But how has this been done? By exhausting the Atlantic states. Just in proportion as extraordinary encouragements have been offered to induce the people of these states to emigrate to the west,—just in this proportion, have the states suffered, by losing a part of their population and wealth, and by being made to hold a lower comparative rank in the union. This consideration strengthens the claims of these states. If they had been in no manner affected by the donations in the west, they would still be entitled to similar donations. And since it appears that this enhanced value of the public lands, which, as a national benefit, is thought to be a balance to the privileges enjoyed in the west, has actually been produced at their expense, it is certainly a very strange mode of reasoning to argue not only that their claim is annulled, but that they have been compensated for their loss. Such compensation as they have received, has been taken from their own pockets.

If the Atlantic states were becoming overburdened with inhabitants, it might be considered a just and benevolent act in the general government to offer extraordinary inducements to allure some of them away. A national good might thus be realized, without injury to any state. But a century at least would elapse, before the population of any state in the union could become too numerous for ample support from their native soil. By drawing them away, a check is given to the

growth of those principles, virtues, and habits, which multiply and extend the comforts of civilized life, which give stability to the social compact, ascendency to the intellect, dignity to character, courtesy to manners, refinement to taste, and rational, pure, and elevated enjoyment to existence. All the blessings, which it is easy to perceive would thus grow up in the old states, they must lose, by losing their population. Their political influence in the union is also weakened, by diminishing the weight of their representation in the national legislature. Finally, the argument adduced by the New York committee sustains a position directly contrary to the one they advance. Instead of proving the Atlantic states to have no claims, it proves very clearly, that, in strict justice, they may not only ask to be put on an equal footing with the western states in regard to schools, but also to be compensated for the loss they have suffered in contributing so largely, and at the expense of sacrifices so dear, to raise the value of the public lands, and thus to swell the amount of the national treasury. The benefit resulting from this accumulation of property is enjoyed by all the states equally. The New York committee acknowledge that this benefit has sprung out of the emigration from the Atlantic states, and yet very unaccountably make this benefit a reason, why these states should not even be allowed an equal participation of those privileges, which have been the primary cause of the losses they have sustained in promoting the interests of the nation.

A second objection is expressed by the New York committee in the following words:

'It is surely of the deepest interest to the welfare, the peace, and good order of the whole union, that the states every day springing up in the west, should not hereafter be peopled by a race, possessing nothing of civilization, but its vices and its arts of destruction. This might not, indeed, have been the necessary consequence, had the general government neglected to make provision for the diffusion of knowledge among the future population of this great territory, but it is clearly so much within the bounds of probability, as to authorize, and even to require a prudent and wise government to guard against so dangerous a contingency, not only for the sake of those immediately interested, but for the promotion of the best interests of the whole nation.'

The force of this argument we confess ourselves unable to discover. It seems to us little more than a speculation, which

no experience nor sound reasoning can substantiate. What is the fact in regard to the states, which have grown up from a wilderness without any such provision for schools? Is it true, that they are 'peopled by a race, possessing nothing of civilization, but its vices and its arts of destruction?' We think not. Why then fear this consequence in the west? Or even admitting it may be feared in a remote degree, on what principles of equity is one section of the country to suffer a deprivation of its own means of improvement and happiness for the exclusive benefit of another? And, moreover, the western appropriations are to be a permanent fund. They are not to operate only till the settlers become civilized and enlightened, and then to cease. But when these states shall arrive at the point of civilization, which now prevails in the old, they will still have this accumulating fund to help them forward, while the others will have nothing. A weight is thus thrown into the scale against the old states, which is daily growing heavier, and which they have nothing, either at present or in prospect, to counterbalance.

It is further objected, that,

'If the large additional grants for the encouragement of education, insisted on by Maryland, should now be made, a direct and obvious effect would be to diminish the fund, so important to the national interests, by placing immense tracts of lands in other hands, and enabling the individual states to undersell the general government, whenever they should think fit, and materially to retard or to lessen the sales.'

A plain answer to this objection will occur, on reverting to the *object* of the Maryland Report. Nothing more is there urged, than the justice of the *principle*, that all the states have a right to equal advantages from the public lands; and the *fact*, that all have not been thus favored. The objection before us has no bearing on these points. That the general fund of the union will be diminished is no reason, why the just claims of individual states should be rejected. Besides, the Maryland Report proposes no particular mode of answering these claims. Congress has full power to guard against the inconveniences apprehended, and to remedy every evil, by keeping the lands within its own control, by regulating the time of sale, and by fixing a price, under which the states shall not be allowed to sell. Many other modes of settling all difficulty from this

source will readily suggest themselves. That obstacles are to be encountered, or sacrifices made, in doing justice, is certainly no argument that justice should not be done. Let the mode be left to the wisdom of Congress.

The amount of the claims has been considered as another objection. But Mr Maxcy has shown, that instead of being large, it is comparatively small. If the same ratio of appropriation be followed, which has thus far been observed, the number of acres requisite to do justice to the old states will be 9,370,760, which is less than has already been granted to the new states, and little more than two acres out of a hundred of all the public lands unsold. That is to say, the sixteen states, which have not received any grants, comprising Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Kentucky, these sixteen states do not require so much land for their just proportion, as has already been granted to the states and territories in the west. The notion of the alarming magnitude of the claim therefore is not correct; and if it were, it would add to the reasonableness of its being equitably adjusted. It would truly be a novel proceeding, for a man to refuse paying his justs debts, because they were so large.

The committee of the senate of the United States admit the ground taken in the Maryland Report to be well supported, as far as the principle is concerned, and think it *expedient* to grant something out of the sales of the public lands for the aid of schools in the old states. Two or three statements, however, in their report, appear to us to admit correction.

'The lands,' say they, 'thus granted to the states for the above purposes are not subject to taxation by the state government, and can only be settled in the manner pointed out by the states in which they lie. If, therefore, correspondent quantities for the purposes of education are to be granted to all the old states, (under which term the committee believe all states will be included, which have not received donations of land for that purpose,) it would seem, that the states and territories, which now contain public land, *would have an excessive proportion of their superficies taken up with such donations, leaving but a small part of the land in each subject to taxation, or settlement, except at the will of other sovereign states.*'

This we take to be a distorted view of the subject, and hold the apprehensions expressed in the last clause of the paragraph to be quite gratuitous. In the first place, it ought not to be taken for granted, that the lands, which are required for the old states, are to be disposed of in the same way, or to be subject to the same conditions, as those already appropriated. Nothing of this nature is contemplated in the Maryland Report. Every thing relating to conditions and modes of conveyance is left to congress, with the expectation, of course, that such a plan will be pursued, as will operate with perfect equity towards the new states. And in the next place, there is no occasion for the alarm, which the committee express, in regard to the quantity of land, which may be taken from any particular state. By the estimate attached to their own Report, the quantity of public lands in each of the new states, except Ohio, is nearly three times as much as the whole amount required for the old states. Let this quantity be divided among all the states, in which the public lands are situated, and the evil apprehended in the Report will be very trifling, even in its fullest extent, and upon the false supposition, that it must necessarily exist at all.

Again, the committee of the senate of the United States observe,

'The lands, therefore, granted to some of the new states for the purposes of education, though distinguished in common parlance by the name of donations, were in fact sales bottomed upon valuable considerations; in which the new states surrendered their *right* of sovereignty over the remaining public lands, and gave up the whole amount, which might have been received in taxes, before such lands were sold, and for five years thereafter.'

The fallacy of this notion will immediately be discovered on reflecting, that the new states *never had any right of sovereignty* over the public lands, and consequently could surrender none. It has been justly observed by an able writer, that 'as Congress possesses, in absolute dominion, the whole territory, before the creation of the new states, and *makes* those states, it is not to be understood how any *right* of sovereignty is relinquished by them.' The new state becomes such on conditions; one of which is, that it shall not tax the public lands within its limits. Nothing is given up, for nothing was held in possession. After the state is formed, then its *rights* are commensurate with the conditions, which it has accepted.

But these conditions exclude all control over the public lands, and absolutely forbid any demands of an equivalent for what might have been derived from them, had the privilege of taxation been allowed. It is furthermore to be observed, that in no public act, relating to the new states, has it ever been intimated, that they received the grants for schools, as an equivalent for any thing. No other motives have been assigned, or even implied, than the benevolent and disinterested ones of promoting education, morals, religion, civil order, and good government. Had any *right* existed on the part of the states, in the estimation of the general government, is it credible, that it would never have been recognized, or even alluded to, in the acts relating to the public lands, and especially the grants to the states?

We have thus adduced some of the general reasons, for an equal distribution of the public property for the encouragement and support of schools and colleges in all the United States; and endeavored to obviate, as we hope successfully, the principal objections, which have been started. It is hardly to be accounted for, that any objections should seriously be urged in a case of so much interest, importance, and obvious justice. If difficulties are thought to lie in the way, let them be removed by Congress, in such a manner as shall be conceived most judicious and effectual. But let not the apprehension of these difficulties blind our eyes to the perception of justice, tie up our hands, shut up our hearts, and disable us from making those efforts, which the cause of learning, and our national welfare, dignity, and honor, demand. It is at least a duty, which all the states, that have not received appropriations, owe to themselves and to future generations, to press the subject on Congress, and have their claims fairly and thoroughly investigated. Let this be done, and for ourselves we can have no doubt of the result.

Nor do we discover, that the view we have taken can operate in any degree against the best interests of the western states. To suppose them unwilling to allow the other states equal privileges with themselves, would be a reflection on their magnanimity, generosity, and good principles, which is not to be admitted. They have, it is true, a proportional interest in the public property, out of which any grants to the old states must be made; but it is equally true, that these states once had an interest in the lands, which have already

been granted to them. The committee of public lands propose, that a certain portion of the amount of sales shall be allowed to the several states, which have received no aid for schools. Now this fund belongs to all the states collectively, and whatsoever is taken out for the east will consequently be drawing something from the west. But there is no inequality in this. All the appropriations, which have been, or may be granted, once belonged to the common fund. They were to be distributed equally to all parts of the union. Some of the states have already received their portion, while it yet remains for the others to receive theirs. To us this appears a fair statement of the case. But should it be found, on a closer examination, that the proposed appropriations to the old states will give the new ones a claim to something more, let it be granted. We plead only for an equitable adjustment, on the most feasible terms.

Much might be said to enforce the policy of the measures, which we have been endeavoring to defend on the ground of equity. It was an admonition of the illustrious Washington, springing not more from wisdom and foresight, than the purest benevolence, that the states should vigilantly guard against any step, which should 'furnish ground for characterizing parties by geographical distinctions.' Is it not obvious, that the course thus far pursued by Congress must have this tendency? To favor one part of the union more than another will necessarily excite sectional jealousies, sow the seeds of discord, and nourish a root of bitterness and discontent, inimical to peace, harmony and good government. The safety and happiness of the nation depend on the moral as well as the political union of the parts, a union of sentiment, feeling, and affection, founded on equal rights, privileges, and enjoyments. To preserve this union, every state must have the fullest confidence, that all its rights are respected, and all its just privileges granted.

There are, also, other considerations of great weight springing out of the importance of learning, especially in a government like ours, where the supreme control depends on the opinion of the people. Under such circumstances, how important is it, that this opinion should be enlightened? The representative body of the nation is drawn together from every part. Hence, it is requisite that the means of knowledge should be equally scattered, that the balance of advantages derived

from this source may be preserved. 'Without question,' says Bacon, 'there is no power on earth which sets up its throne in the spirit and souls of men, and in their hearts and imaginations, their assent also and belief, equal to learning and knowledge;' and again, 'there is scarce one instance brought of a disastrous government, where learned men have been seated at the helm.' Now the most certain mode of making learned rulers, is to extend as far as possible the influence of learning to the people from whom the rulers are taken.

But intelligence not only makes good rulers, it makes peaceable citizens. It causes men to have just views of the nature, value, and relations of things, the purposes of life, the tendency of actions, to be guided by purer motives, to form nobler resolutions, and press forward to more desirable attainments. Knowledge smooths down the roughness, and tames the native ferocity of men. The maxim of the poet is true;

> Scilicet ingenuas didicisse fideliter artes,
> Emollit mores, nec sinit esse feros.

Laws will be obeyed, because they are understood and rightly estimated. Men will submit cheerfully to good government, and consult the peace of society, in proportion as they learn to respect themselves, and value their own character. These things are the fruit of knowledge. But ignorance is a soil, which gives exuberant growth to discords, delusions, and the dark treacheries of faction. Ignorance in the people, in fact, takes all security from the government. While ignorant, they are perpetually subject to false alarms and violent prejudices, ready to give a loose rein to the wild storms of their passions, and prepared to yield themselves willing victims to the seductions of every ambitious, turbulent, treacherous, and faithless spirit, who may choose to enlist them in his cause. Knowledge will work upon this charm with a potent efficacy, lay the hideous spectres, which it calls up, and preserve the soundness and growing strength of the social and political fabric.

It should, furthermore, be considered the glory, and the duty of our national legislature to aid in establishing morals and religion, both as a means of safety to the government, and happiness to the people. The first step in accomplishing this purpose is to fix the principles of virtue, and impress the importance of religious practice, by enlarging the sphere of

mental light, touching the springs of curiosity, opening the channels of inquiry, and pouring into the mind new materials of thought and reflection. All branches of intellectual improvement will lead to moral goodness. The mind, which is taught to expatiate throughout the works of God, to ascend to the heavenly worlds and find him there, to go into the deep secrets of nature and find him there, to examine the wonders of its own structure, and look abroad into the moral constitution of things, and perceive the hand of an invisible, Almighty Being giving laws to the whole, will be impressed with a sense of its own dependence, and feel something of the kindling flame of devotion. It is not in human nature to resist it. And so the man, who begins to study the organization of society, the mutual relations and dependencies of its parts, its objects, and the duties it imposes on those, who would enjoy its benefits, will soon be made to respect its institutions, value its privileges, and practise the moral virtues in which its very existence consists. The more extensively these inquiries are encouraged, and these principles inculcated, in the elements of education, the greater will be the certainty of moral elevation of character, and the brighter the prospects of a virtuous and happy community. In regard to religion, ignorance is its deadliest bane. It gathers the clouds of prejudice from all the dark corners of the mind, and causes them to brood over the understanding, and too often the heart, with a dismal, chilling influence. It gives perpetuity to error, defies the weapons of argument and reason, and is impassive even to the keen sword of eternal truth. Religion requires the aid of knowledge to be received in its purity, and felt in its power. To bring into salutary action these two great instruments of human happiness, morals and religion, nothing is of so much importance, as to multiply the facilities of education and quicken the spirit of enlightened inquiry.

Through the medium of education the government may give a strong impulse to the arts, and help to build up the empire of the sciences. Before men can invent, or make profound discoveries, they must be taught to think. Savages never advance a step farther in discoveries and inventions, than they are compelled by their wants. The external comforts of civilized life depend on the useful arts, which an improved state of the intellect has brought to light. In the sciences, and in literature, we have a vast uncultivated field

before us. We will not enlarge on so trite a subject, as the value of these noble branches of human improvement, nor on so obvious a one, as the immense advantages that must flow to us as a nation, from having them thoroughly cultivated among us. They ought to be brought under consideration in connexion with this subject; and on every mind, whose conceptions are not narrowed within the most ordinary bounds, they will have a solemn and impressive influence. In the arts of traffic, and the mysteries of gain, we may perhaps be contented with the skill we possess. But to be contented with our progress in the sciences and literature, and all those attainments, which chiefly dignify and adorn human nature, would argue an obtuseness and apathy altogether unworthy of a people, who are blessed with so many political, civil, and local advantages of various kinds, as the inhabitants of the United States.

In closing this article, we are glad to embrace the opportunity afforded us by the subject we have been discussing, of saying a few words on the literary enterprize and efforts of the state, in which the Report, recommending a general appropriation for the aid of learning, originated. The legislature of Maryland gave early attention to the establishment of schools. At the session in 1692, an act was passed for the encouragement of learning; and four years afterwards King William's Free school was established at Annapolis, on a very broad and liberal basis. In 1723 a school was erected in each of the counties, and the funds, which had been provided by previous acts for the support of schools, were distributed among them in equal proportions. Lands were also given in each county for the use of the teachers. One source of income to the school fund was a tax of twenty shillings a poll on all negroes imported into the state, and also on all Irish servants who were papists, as the act says, 'to prevent the growth of popery by the importation of too great a number of them into this province.' In these county schools, such children as the visitors should select for the purpose were required to be taught gratis. This system, it would seem, was conducted with considerable success, and was aided from time to time by the patronage of the legislature.

The school at Chestertown, in Kent county, had become so flourishing in the year 1782, that the visitors petitioned the legislature to have it formed into a college. The petition was

granted, and the institution took the name of Washington College. The number of students at the time of this change was one hundred and forty, and was soon after augmented to two hundred. Buildings were erected at the expense of ten thousand pounds taken from the funds, which had been procured by private subscriptions. The state granted an annual appropriation of twelve hundred and fifty pounds. Two years after, another college was founded on a similar plan at Annapolis, called St John's college, with which King William's school was incorporated. To this institution was made a yearly grant of seventeen hundred and fifty pounds. The same act, by which St John's college was founded, authorized a union of this with Washington college, under the title of the University of Maryland.

The acts for founding and incorporating these institutions were drawn up with considerable ability, and they embrace many sound principles and just views. But they are marked with some radical defects. The system of government and discipline was one, under which no institution could long exist. Each college was under the direction of twenty-four visitors. These were required to assemble quarterly at the college to examine the students, hear appeals, decide on their conduct, and in general, to put the laws into execution. Thus all power was virtually taken out of the hands of the immediate officers, in whose hands alone it could be of any value in preserving necessary subordination, and enforcing wholesome rules of discipline. The students would not respect officers, who they knew had no authority, and from whose decision they might appeal on the most trivial occasion to a body of men, who could have no more than a very imperfect knowledge of the merits of the case, and who at best could be but ill qualified to judge. The circumstance of meeting so often, and entering into such details, must also have contributed rather to diminish, than strengthen the interest of the visitors themselves. In addition to these evils, the scheme of having an university composed of colleges in different sections of the state, we conceive to have been wholly impracticable. The two bodies of visitors were united into one with a chancellor at its head. This body in its united capacity formed laws and regulations for the two colleges. But it is impossible, in the nature of things, that the interests of institutions so far separated could be precisely the same. Nor could they act in concert, or promote

an unity of purpose. Under such circumstances, it is not surprising, that this university did not answer the expectations of the legislature, nor of the public. So much dissatisfaction at length prevailed, that in the year 1805, the state entirely withdrew its patronage. We have heard other reasons assigned, than those we have mentioned, such as the spirit of party, unfortunate choice of teachers, and local prejudices. These, no doubt, had some influence; but we are convinced that no combination of fortunate circumstances could have remedied the evils at which we have hinted. Since the decision of the Dartmouth college question, it has been made a subject of debate, whether the proprietors of these colleges cannot regain their former privileges. It is urged, that many individuals made large donations, with the understanding, that the state was permanently pledged to continue the support at first granted. But it is so doubtful whether this point can be well sustained, that it is not likely any decided step will be taken.

Although the state was disappointed in the success of this institution, it did not slacken its exertions in aiding the cause of learning. Its funds were distributed more largely to the counties. In most of the counties, respectable academies have been established, which receive annually considerable sums out of the state treasury. Each county, we believe, is entitled to eight hundred dollars, and some receive more. There are instances in which two or more counties have united their resources. Charlotte Hall school is supported in this way, and sustains a high rank. In addition to these grants for academies, nearly as much more is given for common schools. The whole amount of money annually expended by the state of Maryland for the purposes of education, exceeds twenty-five thousand dollars.

These details are enough to show, that the efforts of this state in advancing the interests of learning have been liberal, honorable, and worthy of the highest praise. It has afforded its patronage to several literary institutions, by loaning money, granting lotteries, and other facilities. To Baltimore college it granted a lottery, which was to yield thirty thousand dollars. In 1807 the Medical college was founded in Baltimore, with the privilege of raising forty thousand dollars by lottery; and in 1812 the charter was extended to embrace all the departments of science and literature, with a privilege subsequently granted of raising one hundred thou-

sand dollars more. The institution with this extension of its charter is called the University of Maryland. It consists of four faculties, namely, divinity, law, medicine, and the arts and sciences; and is under the control of twenty-eight regents. To obtain a degree, students are required to be examined in the presence of the regents; and no one can be considered a candidate for the degree of bachelor of arts, till he has attended lectures in the university for the space of two years, nor for the degree of master of arts, till he has attended the same for three years. The medical department is the only one, which has yet gone into full operation. As a medical school, this is believed to be little inferior to any in the country, and is daily rising in reputation. The college building is beautiful and spacious, and the lecture rooms remarkably commodious. The chemical apparatus is considered equal, if not superior, to any in the United States. During the last session of the legislature, a loan was granted to the university of Maryland, and it is hoped, that all the departments will before long be brought at least into partial operation. The professor of divinity, Rev. Dr Wyatt, has given a few lectures, but no regular course. The professor of law, Mr Hoffman, is preparing a course of lectures, which, if we may judge from the syllabus he has published, will do honor to the university, and justify the expectations, which have been raised by the favorable evidences of his talents and qualifications exhibited in his work on the study of the law.*

St Mary's college in Baltimore was empowered by the legislature in 1805 to admit students to degrees, and grant diplomas. This is a highly respectable institution, and has sent forth some of our first literary men. It is under the direction of the catholics, but no religious test is required to enjoy its privileges, or obtain a degree. It is, indeed, a fact, which redounds much to the honor of the state, that in all its charters to literary institutions, from the time of its first acts, it is formally and explicitly stated, that no distinctions shall be made in favor of any religious sentiments, but that students, professors, visitors, and regents, shall be taken from all denominations and be admitted to equal privileges.

It is a complaint, we believe, of most of the states at the south, which have made donations for the aid of schools and

* See a review of Hoffman's Course of Legal Study, N. A. Review, vol. vi, p. 45.

colleges, that the money has not produced so good and extensive effects, as was desired and reasonably expected. This subject deserves serious attention. We are confident, that the munificence of the state legislatures has been much greater than is generally imagined. A statement of the amount of donations in the several states for a number of years past, and the manner in which they have been applied, would be a valuable document. It would afford a clue to the cause of failure in particular cases, and lay a foundation for a more judicious and beneficial management. We suspect the grounds of complaint may be traced to two sources; a deficiency of qualifications in the persons to whom the disposal of money is entrusted, and a want of proper care in selecting teachers.

Before we wholly close this article, we beg leave earnestly to recommend the principal subject of it to the attention of the American public at large, and individually of the state governments in our own neighborhood, who cannot, we think, acquit themselves of unfaithfulness to the interests of their constituents, if they do not imitate the laudable example of the legislature of Maryland, in pursuing so important and just a claim. We need not, any more than the committee of the senate of Maryland, the framers of the Report before us, disclaim the idea of looking with jealously on the appropriations for education in the new states. We would sooner double than diminish them. But we must also be permitted to say, what experience, we believe, has already shown in some of these states, that the appropriations are likely, in the new states themselves, from hasty and injudicious application, and the general immaturity of society, to be almost wholly unproductive of any permanent utility; while by extending them to the older states, where there are already flourishing establishments for education capable of forming a *nucleus* for farther increase, the greatest benefit and honor would result to our common country. In conclusion, we cannot but express our gratitude to the legislature of Maryland for the enterprize and perseverance with which they have brought forward and pursued this claim, and to the chairman of their committee, Mr Maxcy, for the forcible and considerate form in which the Reports are drawn up.

ART. XVI.—*The Administration of the Criminal Code in England and the spirit of the English government, by M. Cottu, Counsellor of the Royal Court of Paris, and Secretary-General to the Royal Society of Prisons, and to the Special Council of the Prisons of Paris. Translated for the pamphleteer.* London. 1820.

WE have suffered this pamphlet to lie by us a long time, in consequence of an intimation that an edition of it was about to appear in this town, under the direction of two eminent members of the profession; and we were desirous of recommending it to our readers as an American publication. This design seems now to have been relinquished, and we are unwilling to abstain longer from noticing a work, which recommends itself, as well by the peculiar circumstances which produced it, as by its intrinsic value.

M. Cottu, as he tells us in his preface, was sent by the French government to England in 1819, for the express purpose of studying there the system and conduct of its juries; and it appears from the spirit displayed throughout the work, and the zeal and ability with which the commission was executed, that a more fit man could not have been selected. He judged very rightly, that in order to obtain a correct notion of the English trial by jury, it was necessary previously to familiarize himself with the general nature of the English constitution; and accordingly, a very large, and to us the most interesting portion of the pamphlet, is devoted to the author's remarks on the peculiar character of the government of Great Britain, and its influence on the manners of the people. M. Cottu, as may be supposed, was furnished with letters of introduction to some of the most distinguished members of the English bar; and if it is gratifying to observe the candor, ingenuousness, and ardor for truth, with which the errand was undertaken, it is no less so to remark the courtesy, hospitality, and willingness to communicate, which appear on the part of the English. Every friend of liberty and of peace must rejoice to see these two rival kingdoms approaching each other with such dispositions; throwing aside the feelings of jealousy and rancour, which for centuries have filled Europe with blood, and brought misery upon each other; and mutually inclined to reciprocate those offices of kindness and good fellowship, which

cannot fail to be productive of happiness to themselves and of benefit to mankind. It reminds us of the best days of Greece and Rome, when the most illustrious citizens of rival republics were delegated, for the purpose of observing and bringing away whatever was excellent in the characters and institutions of their neighbors, for the improvement of their own country. We cannot but indulge the hope, that this visit is the prelude to a general and liberal intercourse between these distinguished nations.

This grateful reception, united with his national enthusiasm, and the novelty of all he saw and heard, served to raise the admiration of M. Cottu for the government and people of England to a very high, we had amost said extravagant pitch. Though we agree most heartily with him in his encomiums on the British constitution, and on the manly, vigorous, and humane character of the British nation; we still think that, in the transports of his admiration, he has overlooked some of the faults, and misrepresented some of the features of both. It is not at all surprising that one born and educated in a country like France, in which civil liberty is unknown; who had read of republics where the people had a voice in the government, and where the magistrates were amenable to the laws, but who had felt only the galling weight of military law, should be lost in wonder and admiration on the first view of that beautiful system of civil polity which the English have erected for themselves. Like the artless inhabitant of some newly discovered country, who, acquainted only with simple nature, is shown for the first time a stately edifice, he is unable to discriminate between its beauties and defects, but gives vent to unrestrained expressions of surprise and delight. We are not inclined to find fault with M. Cottu, for the favorable view he is disposed to take of England and its government. We think it highly honorable to him that he has been able so far to divest himself of his national prejudice as to err on that side; but viewing the object of his adoration from the station of republicanism, we confess it presents to us an aspect somewhat different from that in which he has drawn it, and we feel ourselves bound to correct some of the mistakes into which he has fallen. We ought in justice, however, to remark, that the lively interest he feels in the object of his mission, while it leads to the inaccuracies we have alluded to, displays itself in a very ready perception of many of the nice peculiarities of English

jurisprudence, which he has explained with great precision, without that technical jargon, which professional writers find it so difficult to shake off. Indeed, for those who are desirous of obtaining a general acquaintance with the English constitution, and have not patience or leisure to search for it in the volumes of a lawyer's library, we do not know a more valuable treatise. In proof of the remark we have just made, we quote his definition of the term 'Benefit of Clergy,' a great bugbear to all learners in the law.

'Benefit of clergy,' says he, 'is an absolute exemption from the punishment of death, which the clergy appropriated to themselves in the time of their own power, and of the profound ignorance of the people. As, however, they did not venture to arrogate such a privilege, solely on the score of their being an ecclesiastical body, they continued to establish it upon the plea of the necessity of securing every protection to the sciences; and as there were few at this time except themselves, who possessed the slightest knowledge of letters, there were of course few others who could profit by this privilege; not that it required any extraordinary erudition to be admitted to the enjoyment of it, for to be able to read was sufficient; but so profound was the darkness of those days, that even among the clergy, there were only a few who attained the first degree of civilization; at such a period, therefore, this benefit appeared so exclusively in favor of the clergy, that from them it derived the name which it has preserved until the present day.

'In later times so much has information been diffused, that insensibly all ranks have been enabled to plead this privilege in their favor; and the punishment of death would have been by this means almost erased from the penal code of England. In order, therefore, to reestablish it, certain statutes have been framed by which particular crimes are debarred from this benefit of clergy, and it is only by virtue of these statutes that sentence of death is passed at this day.'

We have here, in the compass of a few lines, a clear explanation of what takes up a chapter of as many pages in Blackstone, and is at last left in obscurity. Indeed, we see throughout M. Cottu's book, an illustration of the remark, that strangers of inquisitive minds, whose attention is awakened, and who are constantly on the look-out for novelty, frequently discover or place in new points of light, peculiarities in the manners and institutions of the countries they visit, which have escaped the observation, or been negligently passed over by the natives themselves.

We shall not trouble our readers with M. Cottu's minute description of the forms of criminal proceedings, in the English courts, which, though they differ in some respects from our own, yet in all essential particulars so nearly resemble them, that the repetition would be useless. We think the following account, no less just than eloquent, of the effect of local attachment, for which the English are remarkable, cannot be uninteresting.

'Thus,' he says, 'the manners of the nation so far from being in opposition to the laws, are on the contrary in unison with the very spirit of them, and in all families the spirit of inequality of property, and of the succession of the eldest to almost the whole of the real estate, is held inviolately sacred. This law, and the manners which accommodate themselves to it, are fruitful in great results. The most important of them all, is that of attaching every family not merely to its property but likewise to the county in which the property may be situated, and this attachment often becomes so lively, nay I may say so religious a sentiment, that there are many estates which have belonged to the same family ever since the time of the conquest. A man naturally takes a pleasure in improving and embellishing a spot which he knows will descend to his most distant posterity. Hence there is no rural scenery that wears so seducing an aspect as that of England, covered as it is with parks which exhibit the ablest cultivation, and are animated by the sports and frolics of the multitude of domestic animals which find a safe asylum within their boundaries. Every gentleman is as particular in the care of his garden as of his house, and would be ashamed that a stranger should see it in a state of disorder or neglect. The eye of the master is always equally vigilant, because in fact the master never grows old. When age begins to make him indifferent to the pleasures of the world, when wealth offers its seductions to him in vain, and when he no longer attaches importance to any thing excepting what is connected with eternity, his place is filled up by his eldest son, whose youth binds him more closely to the things of this life, and who, sure of the next possession of the family property, watches over it with a care which becomes proportionably more active as his father draws more rapidly to the end of his career. It is not however merely to the order of succession that we ought to attribute the custom, so common among the English, of passing the greatest part of the year upon their estates, for in the province of France, where the same order of succession was formerly observed, the owners of landed property were exactly as much in the contrary habit of shutting themselves up in cities, and making them the principal seat of their affairs. This cus-

tom in the English, therefore, is the result of all their municipal institutions, which, as I shall show, confer on the principal persons in every county, not only the almost entire government of that county, but also the levying, distribution, and employment of a great part of the taxes, the administration of justice, and the maintenance of public order.'

The following fact, stated by the author in his chapter on juries, serves to confirm the truth of the foregoing remarks, and to show how admirably adapted the English government and manners are to the perpetuation of liberty, by turning the ambition of individuals to the use of the state,—by making the path of duty the surest road to power.

'In order to give an idea of the importance which is attached to the duties of the grand jury, and the scrupulous punctuality with which they are fulfilled, I must state that, at the last Gloucester assizes, which were delayed eight days by an unforseen event, the marquis of Worcester, eldest son of the duke of Beaufort, and one of the first noblemen in England, was appointed *foreman* of the grand jury, and although he was at that time on the point of setting out to join the duke of Wellington in Belgium, and had made every preparation for departing on the day when it was presumed the assizes would be at an end, he yet put off his journey, and even ran the risk of losing the object of it altogether,—which was to be present at the grand reviews,—rather than let any other person have the honor of acting as *foreman* or chief of the grand jury in his absence.'

We are far from wishing that our own country may see the day, when the post of foreman of the grand jury shall be an object of contest between powerful individuals, with a view to the success of their own ambitious projects; much less do we desire to anticipate the period, when the growth of corruption and vice shall have raised the grand jury to that high degree of importance and responsibility it now has in England. We cannot, however, forbear to notice the indifference which prevails among us with regard to the duty of serving on juries, and the reluctance with which those who are best qualified for the task are brought to the performance of it. No symptom can be more alarming in a republic, than that apathy which suffers those duties to the public which are laborious and unprofitable, to fall upon the ignorant and the worthless. Foreign invasion and open revolt are comparatively trifling evils—they are seen—the danger is apparent, and the remedy certain; but

that selfish spirit which leads the citizen to prefer his ease or his gains to the public service, is the secret enemy, whose progress is unperceived until the moment of destruction approaches. It were well also if our grand juries would more generally bear in mind, that the duty of deliberating on criminal informations is not the only one which devolves on them. The condition of prisons and their inhabitants, the state of the roads and bridges in the county, the existence of nuisances, the administration of the laws respecting paupers, and many other subjects which are connected with the furtherance of justice and the public convenience, come within the scope of their powers, and seem in England to be brought under the closest inspection. This subject leads to another, intimately connected with it, the mode of conducting criminal trials in England; and we present our readers with the following curious contrast between a French and English court, which we beg leave to recommend to the attentive consideration of our own bench and bar.

'In England,' says M. Cottu, 'we do not hear the counsel for the prosecutor describing the criminal as a monster, who ought to be rooted from the earth, or comparing him with all the most enormous villains that have ever astonished the world by their crimes. Neither do we see the counsel for the prisoner offering a thousand absurd suppositions to the jury upon the manner in which the crime has been committed, lying to his own conscience, endeavouring to persuade the jury to betray theirs, and threatening them with judgments from heaven, if they venture to do their duty. No one is allowed to alter the light of the evidence by showing it through the prism of his own opinion or fancy; it appears to the jury in all its purity, and simply as it was manifested in the course of the examinations. It remains with them alone to judge of it, without the help of any other influence.

'The judge then recapitulates the facts to the jury, without endeavoring to relieve their dryness by reflections more or less lofty or more or less suited to the subject. Sometimes, when the case requires it, he makes remarks upon the depositions [testimony] which he has heard, but in general he confines himself to exhibiting the substance of them to the jury in its simple nudity, and rests the effect of his statements, *not upon the ornamental language* in which he invests them, but on the importance of the facts which they contain, and on which the life or liberty of a fellow-citizen depends.'

Let us now turn to the French picture:

'The procurer-general sets forth the accusation :—and here we see the cruel and unbending spirit of our ancient criminal courts exhibited in all their terrific energy. The prisoner is yet uncondemned, but already he is treated as if he were convicted of the crime imputed to him. Every insulting epithet is lavished upon him, and I have seen him sometimes addressed in terms of the most indecent contempt. The advocate for the prisoner maintains the innocence of his client. This defence presents an abuse no less dangerous and revolting. We see young lawyers who are to be admired for the mildness and simplicity of their manners, the purity and uprightness of their principles, endeavoring, in defence of crimes which are but too evident to overshadow the most incontestable proofs with doubt, to support suppositions which are utterly destitute of probability, to establish maxims subversive of all social and moral order, to inspire groundless uneasiness in the minds of the jurors, and to take false credit to themselves for the honor of saving a villain from the punishment which he richly deserves.

'Sometimes, to increase the shamefulness of these proceedings, the procurer-general replies, the advocate answers him again, each party gives way to violence, and the court becomes an actual stage, where the passions exhibit themselves without restraint, where enthusiasm is carried even to delirium, and the head of the delinquent is contended for with a fury which revolts the spectators and makes strangers shudder.

'The president delivers a summary of the whole affair. This summary ought to be an impartial exposition of the charges against the prisoner and the grounds of his defence : but is this the case? No! so far from it that we must acknowledge it is oftener only a repetition of all the arguments against him. The misrepresentations of his advocate sometimes render this proceeding on the part of the president unfortunately necessary ; but very often the resentment which has been excited in his mind during the course of the debate has an involuntary effect upon it, and doubtless influences him to dwell with much more force upon the facts which favor the prosecution, than upon those which favor the prisoner.

'It will be seen,' continues M. Cottu, 'from this organization of English courts of law, that they are far from affording the same dramatic interest which ours present. With them no part is assigned to the accused ; his hat hung upon a peg would supply his place to the spectators nearly as well, for he is so placed as to turn his back upon them, and no interest is awakened in them either by the sight of him, the development of the evidence against him, his defence of himself, or the efforts of the judge to elicit the truth. There is no contention between the accuser and the accused, and the latter has the appearance of a man who

leaves almost with indifference a matter on which his life is to depend to be settled between his own counsel and the prosecutors; his voice falters not as proof after proof accumulates against him, no paleness steals over his visage, no damps hang upon his brow, no appalling silence reigns between the interval of the discovery of his crime and his own confession of it, to excite in those around him, the pity, horror, revenge, and every other violent emotion to which our debates give birth. In England all is calm and cold, the lawyers, the jury, the judge, the public, and even the prisoner himself, who seems scarcely to be sensible of the peril in which he stands, or of the strength of the case which is made out against him.'

This contrast is truly a striking one, and as M. Cottu very candidly confesses, highly discreditable to his countrymen. It should be one of the first steps of the French government to bring about a reform in this essential particular. Much may undoubtedly be done by care and strictness on the part of judges, to repress that excitement of the feelings, which when uncurbed is utterly at variance with the spirit of the trial by jury, and will finally prove fatal to it. It would be surprising if this difficulty did not occur in a nation unused as the French are to this species of trial, and all whose feelings and habits are in opposition to its forms. But although we think it will not be impossible to introduce a sufficient degree of calmness into the proceedings to be consistent with the decorum necessary in a court of law, we have no hopes of seeing the French courts brought into that state of quiet and order which belongs to those of England. This would be to change the physical constitutions of the natives,—to metamorphose a Frenchman into an Englishman. In France, every thing is dramatic,—effect is the object of every motion. In England every thing partakes of that calm, cool, imperturbable character, which M. Cottu gives of their courts of justice. If an English barrister should so far forget himself in his zeal for his client, as to give way to any uncommon exhibition of feeling, he would soon be arrested by the frowns of the judge to remind him that he was wandering from the point. If he turned to the jury, he would see a dozen, calm, unmoved, tranquil faces, utterly unconscious that this flourish was intended for them, and waiting to proceed in the cause, while the audience generally would very likely be wondering what sudden frenzy had seized the unfortunate gentleman. A French court is the reverse of all this; an advocate who should adopt the moderate, argumen-

tative manner of an English practitioner, would be reminded by the yawns and impatience of his hearers, that however forcible his reasoning, he was not in the way to gain his point. Every thing about him on the contrary tends to stimulate his ardor; not an impassioned expression or a vehement gesture, but is met by a corresponding shrug or grimace on the part of the jury. The audience shew by exclamations, sighs and murmurs the various emotions by which they are agitated, and the unfortunate culprit, who in the moment of conviction gives way to an involuntary burst of anguish, instead of being taken by the arm, as in England, and let quietly out of court to make way for another, is answered by the bystanders with all the sympathy *d'une aimable sensibilité.* A French court will resemble an English one, when the Boulevards shall be like Bond street, or the theatre of the Porte St Martin like Astley's. The French must rest satisfied if guilt is punished, and innocence protected, without imitating that impenetrable coldness of manner under which the English hide the warmest and the noblest principles.

We have already said so much on the subject of courts, that did we not think the following description of a court-room at the assizes would be new to many of our readers, we should think an apology necessary for inserting it.

'It follows from all the details into which I have entered, that English courts of justice wear an aspect of mildness and impartiality, which ours, it must be confessed, are far from presenting to the eyes of a stranger. In England every thing breathes goodness and indulgence; the judge seems like a father in the midst of his family, called upon to judge one of his children. His countenance has nothing terrific in it. His desk, according to an ancient custom, is covered with flowers, as is also the table of the officers. The sheriff, likewise, and other persons connected with the court, each wear a bouquet. The judge himself, with a condescension which is really surprising, suffers the space allotted to him to be intruded upon by a crowd of spectators, and in this manner he may often be seen surrounded by the prettiest women in the county, the wives, sisters, or daughters of the grand jury, who, coming to the balls and public entertainments which are given at the assizes, likewise make it a point of duty, or a pleasure to attend the court. They appear in the most elegant morning dresses, and a singular contrast is afforded by the venerable head of the judge, covered as it is with a large wig, elevated

above so many youthful female heads, adorned with all of beauty that nature can give, and of attraction that art can add.'

This seems hardly credible to those of us who have been used to the stern simplicity of our own courts, where the magistrates are so little distinguished from the crowd, either by dress or public deference, that they have need of all the adventitious aid of forms to support the dignity necessary to their station. M. Cottu has been led in this description to discover a sentimental allusion, where his friends the English would hardly have thought of looking for it, in the flowers which are spread before the court. If he had cast his eye at the lower end of the hall, and the gentry who occupy it, and had then observed how often these emblematical nosegays were raised to the face, he might have conjectured, that however fanciful this custom may have been in its origin, it has been kept up from much more homely considerations.

The author's remarks on the civil proceedings of the English courts are loose and inaccurate. We instance his definition of copyholds and courts of record, and his general assertion that *all demands* of a plaintiff are resolved into a question of damages. This subject, however, was not comprised in his commission, and we can easily pardon him a little obscurity on questions, which the most learned English lawyers have hardly made intelligible. He does injustice, however, where he had better means of correct information. He says of the punishment of *peine forte et dure*, that this dreadful monument of the barbarity of ancient times, even yet is not formally abolished. The statute of 12 Geo. iii, c. 20, by restoring the common law punishment for standing mute, effectually repealed this barbarous law, and the reason of its not having been named in the act probably was the unwillingness of the legislature to recal so odious a subject.

With respect to elections and the qualifications of voters and members of parliament, M. Cottu seems to have adopted hastily the information he obtained *en passant* without always taking the pains to satisfy himself of its correctness. His praise on these points, as on every other, is unqualified. He is a great admirer of rotten boroughs, because 'they return into parliament men of the most opposite views,' as if that could be done in no other way; and he is delighted with bribery at elections, because none but the rich can be returned, and that strengthens the aristocracy; a favorite object with

M. Cottu. We confess we do not look upon the rotten boroughs as the worst feature in the system. The tenure by which these seats are held is known, the price is fixed, there is no room for that general corruption which is seen in the great boroughs. We complain that counties and boroughs are not fairly represented; that the voice of the people, that portion of them we mean which is entitled to a voice, is not heard. In the counties the business of election is done by a few great landholders, in the boroughs by the dregs of the populace. Where did M. Cottu learn, that 'in Liverpool to constitute an elector it is only necessary that the individual's name should not be on the list of paupers to whom parochial relief is granted?' So far is this from being true, that in this city containing a population of 120,000, the number of electors hardly exceeds three thousand; whereas, if M. Cottu's statement were correct, it must exceed seven times that number. This borough was erected when Liverpool was an inconsiderable town, and the right of voting was restricted to those who then exercised certain trades in the city, and could be transmitted only to the sons of freemen and those who served an apprenticeship of seven years with them. This number, as the place increased, bore a very small proportion to the whole population. No new comer can acquire it, and neither non-residence nor want of property can deprive an individual of this right, who has once become entitled to it in either of the ways just mentioned; so that this privilege in this great borough is in the hands of a small number of tradesmen, many of them of the lowest order. With regard to the right of election in counties, he says, 'it belongs to every one who possesses forty shillings of revenue *in freehold*,' 'and of course,' continues M. Cottu, 'with the exception of the lowest classes, every individual has a right to assist in the appointment of members of parliament.' We agree with him entirely in the fact, but to the inference we cannot subscribe. Every one, in the least acquainted with the nature of landed property in England, and with the legal definition of a freehold, knows, that a freeholder in the midland counties of forty shillings a year is as rare as a sphinx. The land is parcelled out among great proprietors who lease to the farmers for long terms, and it is extremely rare to see a farmer who is the owner of his land; indeed the name originally denoted that he was not. A lease of a thousand years gives no right to a vote, and we think we are correct in saying

that several of the largest counties in England, (to say nothing of Scotland) do not furnish more than a few hundred electors of knights of the shire.

M. Cottu is not satisfied with the praise bestowed on the distribution of the elective franchise. He is equally pleased with the manner in which this right is exercised, and seems to be initiated into the English doctrine, that broken heads are essential to the freedom of the state, as will appear from the following account of a scene which took place at Westminster during the late general election.

'Captain Maxwell, one of the most distinguished officers of the British navy, offered himself at the last general election as candidate for Westminster. He was supported by the ministers and their adherents, and had in consequence to contend with the opposition party, as well as with the populace, which, I know not why, is in London always attached to that side of the question; whilst in other towns, as for instance at Liverpool, it follows the ministerial banners. The captain had therefore to expect a lively resistance on the hustings. Every people has its peculiar mode of testifying discontent. In France this is done by hootings and hisses, in England by hootings and mud. Mud is even thrown at the king himself when he goes to parliament to make communications, which are disagreeable to the multitude: of course there was a disposition to throw mud at the captain, but the weather having been remarkably dry, no supply of it was at hand; the hustings, however, being constructed in a market place, the ground about them was strewed with the refuse of vegetables, &c. For want of mud the people availed themselves of this mixture; and a stone which was found in it unfortunately falling into the hands of a malcontent more adroit than his fellows, he directed it against captain Maxwell's eye. This was undoubtedly *a misfortune to him, and at the same time an offence in the man*, which deserves punishment; but are we on such an account to condemn a law which fills the county for more than a month with a species of delicious joy, and inspires the humblest citizen with an idea that he composes a part of the public authority, and has his share of influence in the government? Is it to be supposed that the captain, indignant at such excesses, and disgusted with a constitution that tolerated or gave birth to them, retired from the hustings weeping over his country, and mourning to see it delivered up to confusion and licentiousness? On the contrary, he reappeared the following day, his eye covered with a bandage, on the same spot where he had been so grossly assailed, and harangued the people who had everwhelmed him with outrages. He began by observ-

ing, that he was accustomed to missiles different from that which he had the day before received, and seized the occasion of alluding to the battles in which he had been engaged. He was listened to for some time with applause. He afterwards added, that, as an Englishman, he was *well pleased* to see the people repel those whom they suspected of soliciting their suffrages only with the design of betraying their rights and liberties; that in consequence, they had done rightly in opposing his election whilst they attributed to him an intention of this kind; but their error consisted in having too easily yielded to the unfavorable impressions which his enemies had given of his character. He concluded by assuring them that he had only their happiness in view, and that they would no where find a more strenuous asserter of their privileges. At this point his success terminated, and the clamour recommenced. He was not however, daunted; and he declared that having the honor to be supported by so great a number of friends, he would perish on the hustings, rather than abandon his election. In fact he remained there until *a sort of madman*, intoxicated by noise and liquor, struck him with such violence on the head, whilst in the act of returning home, as to cause a fever that confined him to his bed for seven or eight days.'

On this extraordinary relation M. Cottu makes the following remarks:

'The stone thrown at captain Maxwell was considered (in France) as the signal of general revolution; and unless the elective system which had furnished an occasion for so dreadful an outrage were altered, or entirely abolished, it was deemed certain that England would become the scene of terrible calamities. How far are we yet from understanding the mechanism of that government; and how different a spectacle do these elections thus decried, present to the meditation of a stranger! They exhibit a people intoxicated with joy at the exercise of its liberty, using it tumultuously because it is the essence of all popular acts to be marked by clamor and agitation.'

Now, though we have never viewed this and similar occurrences in that alarming light which it seems to have presented to the French nation, we do think it deeply humiliating and disgraceful. We think it derogatory to an officer of the distinguished merit of sir Murray Maxwell, to be obliged to come forward and expose himself to the most degrading insults to serve the purposes of administration. We think it reflects great discredit on the English people, that citizens, in the exercise of their noblest and dearest right, should be guilty of

excesses that would disgrace savages. We profess too great an admiration of the English constitution to be readily convinced that missiles and mud are necessary ingredients in its composition. So far from attributing this boisterous conduct to excess of liberty, we are disposed to set it down to the opposite account. True liberty, such as the English nation has a right to enjoy, does not display itself in ebullitions like these. The electors in a true republic would have no temptation to indulge in such insults. The candidate would scorn to submit to them. An English election, instead of that tranquil, dignified scene we witness in our own country, presents nothing but riot and misrule. The opening of the poll is the signal for the prostration of legal restraint, and the commencement of the reign of anarchy. The contest frequently lasts several days, and during this time the unfortunate borough is given over to the mob. The shops are all closed—business is at a stand,—parties attached to the different candidates are parading the streets with their distinguishing badges, and frequently meeting, when desperate battles are sure to ensue. Is this the privilege of election as provided by the constitution of Great Britain? Is this the generous, open, majestic motion of freemen in the exercise of their rights; or is it the mad raving of a populace which has broken its bonds and is taking advantage of this period of licentious indulgence to heap with abuse those superiors, whom it does not hope again to approach till another seven years shall have elapsed? We ought in justice to remark, that this description applies almost exclusively to the election of burgesses. In the counties, the scene is far different, and for the reason we have mentioned. The number of the electors for knights is small. They are freeholders; and generally men of fortune and consequence, who are above bribery themselves and not to be moved by a lawless mob. The danger here arises from collusion among the candidates, and a compromise of parties between the great proprietors. The monopoly of landed property, and the consequent smallness of the number of freeholders in proportion to the whole population, and their remoteness from each other and from the scene of election, encourage this abuse, which is carried to so great a degree, that twenty-five of the forty counties in England and Wales are represented in this manner, with scarcely the formality of an election. In the county of York, which comprises 3,698,387 statute acres, and contains a population of

nearly a million, the number of freeholders is not more than twenty thousand. As there is but one place of election in each of the three ridings, it rarely happens that more than a third part of the votes of the county are tendered. The contest between Mr Wilberforce, lord Milton, and Mr Lascelles, in 1807, which ended in the election of the two former, brought out the whole force of the county, at an expense to the three parties, it is said, of half a million sterling. Yet this is the most independent county in the kingdom. Of Devonshire, a county containing three hundred and forty-three thousand souls, an eminent writer on this subject says, 'the two most opulent gentlemen in the county have only to perform the ceremony of an election, and they are invested with the legislative character as securely as if the right of election were in their own persons.' We think it must be apparent from these facts that the right of election is confined to too small a number. Not that we are friends to universal suffrage; we disapprove of it under any form of government. In Great Britain we consider it impracticable. It were to be wished, however, that many substantial farmers in England, who are excluded because they are not freeholders, might be admitted to the right of voting. An act extending the privilege to copyholders, and to leaseholders paying a certain annual rent, would have this effect. As to the boroughs, it is desirable that the qualification of electors should be made uniform throughout the kingdom—as for example, that every householder paying a certain rent should have a vote. They would still have the rotten boroughs, for which we see no other remedy than to restrict the right of sending members to towns of a certain population; and as often as any borough fell below the standard, the right should *ipso facto* be lost, and given to some other town sufficiently large to be entitled to it, as was proposed by Mr Pitt in 1785.

M. Cottu, in his chapter on the influence of the English government upon the manners of the people, gives us his opinion of the value of their privileges in the same style of extravagant panegyric. We extract the following remarkable passage.

'They love much to travel. Alas! happiness is not made for man. They find in their families, and in their institutions, all the felicity that human beings can hope to attain on earth. As citizens, nothing can give them offence; the yoke of government never weighs heavily on them. They have not to fear either the

vexations of power, or the contempt of high birth. Every thing by which they are surrounded inspires them with a value for themselves and their professions; but this unalterable repose, which no griefs disturb, but such as are inseparable from human nature; this repose which seems written *on their serene and dignified countenances*, becomes at last intolerable. They resemble their fabulous gods, whose whimsical fancies led them to ramble upon earth. They depart; they precipitate themselves into all the dissipations of a foreign land; they yield for a short time to measures which they despise, and partake of the treacherous pleasures connected with them; but they preserve their hearts immaculate, and after having drank deep of the cup of delight return home to their pure and innocent pleasures, and endeavor to support the insipidity, which acts as a drawback upon the enjoyment of them.'

Should any one hear this description without previous intimation of the application of it, would he presume it to be intended for a nation of modern Europe? Would he not rather suppose that it was a glowing picture of some imaginary 'island of the blest?' What would be his surprise on discovering that this superhuman paradise was no other than the land of rotten boroughs and contested elections, of Manchester mobs and Cato street conspiracies, of press-gangs and yeomanry cavalry? How would he wonder to hear that this nation paid fifty-six millions a year in taxes, and eight millions in poor rates? How would he reconcile this '*unalterable repose*' with the presence of a Hunt, a Cobbet, a Wooler, and a Hone, and thirteen hundred capital convictions by the year?

We do not bring out these unpleasant circumstances with a view to magnify them, or to make them the occasion of boasting or reproach. We are too sensible of the value of English liberty, and the obligations of the civilized world to that nation for her noble exertions, to wish to undervalue her efforts or her character. But we feel obliged to call to our own minds and those of our countrymen a few facts to temper the extatic praise that M. Cottu gives way to, and to remind them that if we do not enjoy all the glory, we at least escape some of the plagues of that distinguished people.

It is truly surprising, notwithstanding the strict scrutiny to which the English constitution has been exposed in all its parts during the last century, that the nature of it should be so little understood at the present day. It has suffered equally

from the misrepresentations of friends and enemies. On the one hand it is held up as the perfect model of a free government, the *ne plus ultra* of political wisdom. On the other it is denounced as an absurd compound of despotism and anarchy, of feudal tyranny and democratic license. The king, if one party is to be believed, is the beneficent parent of his people, who has not the power to do wrong, and whose every step is marked by acts of mercy and condescension. If the opposite party is correct, he is to be regarded as a pageant of royalty, upheld at the expense of the people to serve the purposes of contending factions. We are told at one moment of the imposing character of the house of lords;—consisting of individuals venerable for their rank or merit;—of dignified prelates, renowned warriors, and profound statesmen; we are then assailed on the other side by denunciations against this assemblage of haughty churchmen, degenerate nobles, and stupid princes of the blood. *One* sees in the house of commons only the firm defenders of the rights of the people; the pure representatives of virtuous constituents; *another* looks upon it as a sink of venality and corruption. The malcontent party would fain convince us, that the penal code of England is a system of barbarous inflictions without a motive or an object; while their opponents extol its harshness as the severity of mercy. The boisterous character of their public meetings is thought by some to represent the last stage of moral degradation; while on the contrary, those are not wanting, who regard these commotions as the thunder and the tempest, which purify and regenerate the atmosphere of liberty.

For ourselves, we profess that we think the English frame of government better adapted to its object than any of which the world has yet had full experience. We now consider our own constitutions as out of the question; whatever may be our opinion of them, and however encouraging may be the promise they hold forth, we do not consider them as yet sufficiently tried, to be brought into comparison with those which have stood the test of ages. But while we place this famous scheme of polity far before any other of ancient or modern times, we still think it comes very much short of perfection. At the same time that we see in its provisions a great deal to admire, we discover in its deficiencies not a little to deplore. We would not ask Great Britain to renounce monarchy, but we could wish that the influence of the crown were less power-

ful and direct. We admire the construction of parliament, in the mutual dependence of the two houses on each other, and the manly freedom of their proceedings. We should be better satisfied if the doors of the upper house were never opened but to those who had earned the distinction by public services, and if the floor of the lower were less often the arena of contending candidates for place. We respect and esteem that love of order and reverence for religion which has established and upheld a national form of worship, which protects with pious care the temples of God, and places his ministers by the side of the proudest nobles of the land. We sincerely regret that this sacred order should be supported by a tax so odious and unequal as that of tithes. Much more do we lament that a slight deviation from the national creed should exclude a very large portion of the people, who contribute their full share of the burden, not only from the honors and emoluments of the church, but from the exercise and enjoyment of some of the dearest and most valuable rights and privileges of citizens. We are far from underrating the law regulating the descent of landed property, which, while it upholds the consequence and independence of the nobility by perpetuating that superiority of fortune which is essential to the proper influence of the aristocratic branch, has the happy effect of reducing the younger members of great families to a level with the people, by raising a mutual dependence between them for service and support. It is a cause of painful reflection, however, that this happy provision should be accompanied with some remains of feudal oppression that almost outweigh its advantages. The game laws, it must be allowed on all hands, are a foul blot on the English code. Little can be said for the glorious birthright of Englishmen, while the property in that which Providence has made common, the untamed tenants of the forest and the air, is restricted to the fortunate possessors of one hundred pounds a year. No man, who is not possessed of property to this amount, can kill any species of game, *even on his own grounds*, and so revolting are these laws to the dictates of nature and reason, that in order to enforce them, the most barbarous means are necessarily resorted to on the part of the owners of game, and by a succession of statutes the punishment has been rendered more and more severe, until the killing of a hare or a partridge is little less penal than murder.

Even the trial by jury—the boast of Englishmen—the palladium of liberty, comes short of its object, and leaves the subject exposed to the most alarming of all attacks, that of a provoked and resentful minister. The existence of *ex officio* informations, which M. Cottu professes himself unable to reconcile with the genius of the English laws, we pronounce without hesitation to be utterly repugnant to it. The power to arraign an individual on any charge at the pleasure of the attorney-general without the intervention of a grand jury, which is denied to every other prosecutor, is reserved to the most dangerous and powerful of all prosecutors, the government. An administration with this engine in its hands, and with profligacy enough to employ it, need not regret the absence of the star chamber and high commission. It is no apology that this measure of prosecution is not often resorted to; it is sufficient that it exists, to alarm every Englishman who loves his liberty. The late attempts to bring this mode of proceeding into use have been met with so much spirit by the petty juries, that no very dangerous consequences from it are at present to be apprehended; but we do believe that whenever English liberty is doomed to fall, this will be the most powerful instrument of its destruction. With all these humiliating badges of ancient servitude about them, it becomes the English to talk modestly of their prerogatives. Let them remember that their present happy condition has not always been the pride of their nation. It is not two hundred years since England began to emerge from feudal darkness. In that time she has done much, but she must not forget that much remains to be done. The commons, who now carry themselves so proudly, have within a century and a half thought it a privilege to address their sovereign 'on the bended knees of their hearts.' The bench, which now appears the merciful advocate of the accused, has within half that time descended to expressions of wanton cruelty or vindictive malice, which an Englishman of the present day shudders to recall. The discussions in parliament, which are now spread daily before the public, have within sixty years been communicated under the pretty title of 'debates in the senate of Lilliput.' When a nation has achieved so much, it is greatly to be regretted that it should stop short of the highest degree of excellence in government, to which humanity can reach. We cannot but hope that much may yet be done, and we sincerely wish suc-

cess to all endeavors for the advancement of the happiness of Britain. At present, however, those nations, who admire and are desirous to imitate her, should be reminded, that in transplanting her invaluable constitution, many excrescencies are to be pruned, and many distortions to be corrected.

M. Cottu in the closing chapters points out to his countrymen some of the difficulties which present themselves in the adoption of the English municipal regulations. These difficulties, he observes, arise 'not only from the prejudices which have survived the changes legally effected in the ancient constitution of the kingdom, but still more from those which have been produced by the revolution.' A nation like France, which has plunged from the severest despotism to the wildest democracy, and has thence passed under the iron yoke of military oppression, can hardly be in a condition to adopt and carry into operation a code the most complicated that human ingenuity has ever framed. To make way for its admission, a thousand prejudices are to be eradicated; the people are to be prepared by education to know the value and importance of self government; and in order to produce this effect it is necessary that they should learn to estimate *themselves*, and to obey the law, and perform the duties of citizens for the sake of themselves and their children, and not because they are bidden. M. Cottu seems to have discovered what is little understood in these days of paper constitutions and bills of rights; that it is freemen who make the government, and not the government that makes freemen; that the only foundation of rational liberty is a general diffusion of knowledge, and of religious and moral principle. He recommends as the first and indispensable measure the establishment of an aristocracy, and to this end he advises the restoration of the law of primogeniture. In the present state of France we have no doubt of the correctness of this course. Every thing in that country tends to the extreme of democracy. The blind devotion to rank and titles, which prevailed there before the revolution, has given place to the opposite spirit. The doctrine of perfect equality is still as strong, though not as fashionable, as it was thirty years since; every distinction between citizen and citizen is looked upon with jealousy. For a republican form of government France is entirely unprepared, and a monarchy in such a state, without some intermediate barrier against the encroachments of the people, must be despotic, if it can exist

at all. To build up this aristocracy, to lay aside gradually the military police, to establish the liberty of the press, to accustom the people to govern and to be governed by each other, to substitute the ambition of civil distinction for that of military glory, to rear sound principles of morals in the place of superstition on the one hand, and infidelity on the other, will demand a long and severe trial, if indeed it do not prove to be impracticable. In the mean time this ill fated country must be content to reap the bitter fruits of past errors, happy if she can ever attain the proud station which her rival has so long enjoyed.

Art. XVII.—1. *An Elementary Treatise on Arithmetic, taken principally from the Arithmetic of S. F. Lacroix, and translated into English, with such alterations and additions as were found necessary, in order to adapt it to the use of the American student.* pp. 128.

2. *An Introduction to the Elements of Algebra, designed for the use of those who are acquainted only with the first principles of Arithmetic. Selected from the Algebra of Euler.* pp. 218.

3. *Elements of Algebra, by S. F. Lacroix. Translated from the French, for the use of the Students of the University at Cambridge, New England.* pp. 263.

4. *Elements of Geometry, by S. M. Legendre, member of the Institute and the Legion of Honor, of the Royal Society of London, &c. Translated from the French for the use of the students of the University at Cambridge, New England.* pp. 208. Cambridge, N. E. Hilliard & Metcalf, 1818—1820.

These four volumes form part of a course of pure mathematics, intended for the use of the students at the university of Cambridge. The two first, containing the Arithmetic and Euler's Algebra, are to be studied previous to admission into college; the others form the text books of instruction at the university. A fifth volume has already appeared, containing Trigonometry and Analytical Geometry, and will be followed, we understand, in a few weeks, by a sixth, to contain the usual applications, and complete the course.

It is sometimes objected to the study of mathematics, that it contracts the mind, and, by circumscribing its view, opposes the exercise of invention; that it tends to form a mechanical and skeptical character, rendering the mind incapable of comprehending an extensive subject, and insensible to those nice shades of evidence, and unsusceptible of that accurate perception of beauty and truth, so requisite to quick and fair judgment in matters of taste and morals. This charge, if well founded, would be sufficient to prove this study to be dangerous; and we have no doubt that a belief more or less confident, of its justice, still operates on many persons in prejudice of mathematical pursuits.

It would not be difficult, by reasoning on the nature of the science, and its necessary effects on the mind, to obviate most of these objections. We might mention the many surprising discoveries that have been made in it, and the power of making them, which the study of certain parts communicates, by leading the mind along the natural path of invention. We might show, that if, on the one hand, the view is circumscribed in a particular proposition, while the attention is fixed to a single point; so, on the other, few employments give exercise to a greater grasp and comprehension of mind than the keeping in sight an ultimate object, through all the parts of a long mathematical treatise, and observing the bearing, which each argument and each proposition have on the final one. We might notice too the nature of the investigations in the higher algebra, more abstract and general than the language employed in the metaphysical and moral sciences will admit. In fine, if exposing our weakness could add to our strength, we might point to those parts of analysis, where the path of discovery is so dark, and the mental process so subtle and evanescent, that the most profound masters, while they have with wonder admitted the certainty of the conclusion, have been staggered and divided about the nature, and even the truth of the principles, by which it is attained.

But it is unnecessary to confute by argument, when we have such unbounded evidence from history how groundless are these objections. We may then ask whether all the geometry of Greece could quench or restrain the creative genius and glowing imagination of Plato? Whether the astonishing reach of mind, the proud originality and independence, the faultless taste and eloquent sensibility displayed in the most

perfect writings of his native tongue were diminished by the strong predilection and most complete success with which Pascal cultivated the mathematics? Or has the philosophy of the human mind been investigated with less skill, the parts of this boundless science examined with less patience, the laws regulating the motions of our thoughts noted with less penetration, or the influence of association on the language and imagery of poetry traced with a less delicate pencil, or a less exquisite perception of the beautiful, than if Stewart had not for years discharged the functions of the mathematical professorship at Edinburgh?

It is chiefly with regard to their adaptation to the purpose of instruction, as forming part of a liberal course of studies, that we propose to examine the books before us. In relation to the general question, what should constitute such a course, and in what order the parts should succeed each other, very strong and decided opinions have been expressed, and, we believe, continue to be entertained. The advocate of mathematics often conceives himself obliged to decry the study of the classics, and the lover of classical learning would have that cultivated to the exclusion of science. For ourselves, we think that the study of mathematics might be both introduced sooner, and carried farther, than it is at present, and that to great advantage. At the same time, we think it preposterous to call that education tolerably perfect, which has not been founded on a thorough knowledge of Latin, at least, if not Greek. The primary object of education being the development and cultivation of the powers of the mind, that course of instruction is conceived to be least objectionable, which tends to call forth naturally and exercise strongly all the intellectual faculties; and that person best educated, who, at the completion of his course, has most entire command of them. And we know not that there is any thing, which, in the discipline of the mind, can supply the place of the study of the Latin and Greek. We know of no means to be compared with this for the purpose of communicating the power of quick and delicate discrimination, and of imparting clear perceptions of the difference of words and things. In that part of mathematics which enters into elementary instruction, all is precise and defined. But in language there are so many shades of meaning, differing from each other almost imperceptibly,—the beauty of an expression so often depends on a peculiarity in

the use of one word, or in the arrangement of several,—the distinguishing spirit of an author, especially in a foreign tongue, is so difficult to be perfectly apprehended, and that double process of the judgment, which consists in first ascertaining the meaning of a word in its original connexion, and then selecting the corresponding term in another language, is so continually going on, that all the powers of observation, comparison, and in short, whatever constitutes acquired taste, are constantly called forth and exercised. But while the cultivation of these powers is consigned to their old and tried masters, we should claim that of the power of abstraction and generalization, and much that goes to form certainty and strength of judgment, the habit of persevering research and unbiassed decision, as the just province of the mathematics.

'The study of the sciences,' says Lacroix, 'presents itself under two entirely distinct points of view, either as the means of exercising the mind, of developing the intellectual faculties and rendering them fit for meditation and discussion, or as affording results and precepts immediately applicable to the uses of life and the want of society, which, unfortunately, it does much less frequently than is commonly thought.

'Considered in relation to the first of these objects, which makes it an essential part of education, we perceive the necessity of treating nothing superficially, of diminishing the number of particulars treated of, if necessary, rather than fail to present the subject with the greatest evidence of which it is susceptible, or to render sensible the mechanism of reasoning.'*

Now this end is the only one, with reference to which the study of mathematics is of any great use to the general student; and to the furtherance of this end, the Arithmetic and Algebra of Lacroix are exceedingly well adapted, and a great addition to our means of instruction. The details of science, the rules and results cannot remain long in the strongest memory; and, if they could, they would seldom be of use to the scholar, or the man of business. So, that unless some higher object be effected by the study of the mathematics, the time spent on them will have been thrown away.

Next to this object, of which he never loses sight, some of the rules by which Lacroix seems to have been guided in composing the books before, were; 1°, making use of the analytical method, to pursue, as nearly as possible, the steps of

* Essais sur l'Enseignement, p. 173.

invention; 2°, always to select the most general method; 3°, never to go over the same ground twice, either in his reasoning, or his explanations; 4°, to adapt the elements as he professes to do,* to the great works, which contain all that is most important in science.

The example which he gives are few. He always goes on the supposition that the learner has exercised himself in all the operations and applications of the principles laid down, until he is perfectly familiar with them. 'The choice of examples,' he says,† 'is much more important than their number. A few truths thoroughly comprehended afford greater assistance *to the understanding, in science*, than many theories superficially discussed.'

The few remarks we have to make on the Arithmetic are intended particularly as suggestions to instructers and especially to those parents who have the happiness of instructing their own children. And first, we advise every such person, unless he be learned enough to read French, and fortunate enough to possess Condorect's 'Moyen d'apprendre a compter,' which, by the way, we think one of the most admirable little treatises on arithmetic that ever was written, to possess himself, without loss of time, of this Arithmetic of Lacroix. At the same time, we would give him distinctly to understand, that he is to purchase it for himself and not for his children, as for children, young children at least, it was never intended, and to them it is not suited. He must then study a part of it until he is sure he understands it; and we venture to assert, that he must be right well learned, or of a marvellously good understanding, who will not find much light thrown on the dark points in the art, by this little book. Let him, in the next place, when he feels himself thoroughly possessed of the substance of our author's observations on a particular rule, lay aside the book, and, with slate in hand when necessary, and all the eloquence of voice and gesture that he can summon, go through the explanation, and that, for safety's sake, in the very order in which he has learnt it; and, very probably, when he shall have finished, he will himself know much more about it than when he began. After this, looking on the examples in the book only as specimens of what are to be given by himself, let him go on to give example after example. Every thing that is bought in the market, or bar-

* Essais, p. 183. † Ibid. p. 173.

gained for at milliner's, whatever strikes the eye or reaches the ear of a child, must be pressed into this important service. What we have here said, we especially and very warmly recommend to the notice of female instructers, whether the natural or intellectual mothers of their pupils. We profess ourselves sincere lovers of the mathematics, but we believe ourselves disinterested, and loving them only because they help on the process ef education, in its different stages, better than any thing else we know of; and we should be delighted if what we say should induce one mother to inspect this part of her children's education.

What is most deserving of notice in this book, is the manner in which fractions are introduced. They are naturally derived from division; this operation and multiplication are treated of first. Thus the difficulties, which resulted from considering them in a wrong point of view, are avoided, and apparent absurdities removed by new definitions of multiplication and division.

The roots are very properly thrown forward upon algebra, as the explanation that can be given of these rules considered arithmetically, could hardly be made intelligible to a beginner. In the translation a new form is given to reduction and some other parts, better suited to instruction in this country; while the omission of some unusual processes at the end of the book does not diminish its value.

Next in order to the Arithmetic, succeeds the Algebra of Euler. In several respects, it is extremely well suited to elementary instruction, and approves the selection made by the professor. It is divided into short chapters, affording convenient resting place for the impatient and quickly wearied pupil. In another respect, it is better suited to the purpose, especially when we consider the state of instruction among us, than perhaps any other that could be found. It is full of explanations of the little difficulties that are perpetually occurring to a beginner, and of lucid and well selected examples. Many of the explanations, indeed, as of the doctrine of plus and minus, of the process for extracting the roots when applied to numbers, and a few others, are not so good as have since been given, but still much better than most of those that were before accessible to the student.

We know that Euler was, in many places, received with no great respect; sometimes, indeed, he was treated with abso-

lute incivility. Men were ashamed and vexed at not understanding, without study, a book professedly designed for beginners, and wisely determined to lay all the blame upon the book. We admit that the introduction of Euler, or Lacroix, or any other treatise of the kind, must really much increase the labor of an instructer. It is undoubtedly harder, and costs more time and thought to explain a rule to your pupil, than to make him take it for true, without explanation, upon your word and honor, or even because it is in the book and produces the right answer. And we can hardly blame the schoolmaster, into whose motives a desire for the actual improvement of the mind of his pupil does not largely enter, for being unwilling to give up that laudable and philosophical maxim, which, from time immemorial, seems to have commonly prevailed, that algebra was a sort of mystery, a thing to be believed and done, and not inquired into, any more than the gravity of impenetrability of matter.

But, seriously, whatever impression Euler's Algebra may have made on others, we can never forget the feelings with which we at first read it ourselves. It so dissipated the mists left upon the mind after wandering in the obscurity of the English algebraists and their followers, so fairly removed a thousand little obstacles we had always been stumbling at, and threw such light upon the relation and connexion of the whole, that, in the excess of boyish satisfaction, we likened it the Odyssey of Homer, or the first book of Euclid, which a person of taste could never cease to admire, from the time he began to understand. If every other part were only tolerable, the book would deserve to be highly valued, were it but for the chapters on the calculation of irrational quantities, and on the nature of equations of the second degree.

The selections are made from an English translation, which happened to have been previously made, very unfortunately for us, as it deprived us of one from professor Farrar. The professor, too, probably from the engagements consequent on his numerous duties, trusted the correction of the work to some person, among whose qualifications an ignorance of algebra would seem to have held a conspicuous place. This explains the appearance of the numerous errors, and those not merely of the press, which disfigure many of the last pages.*

* In the second edition, printed in 1821, and since the above was written, we understand that most of these errors are corrected.

It may seem a redundancy in the plan, that there are in this course two separate treatises on algebra. But it is to be remembered that they are intended for entirely different classes of students. The multiplication of examples in Euler, and the shortness and simplicity of the explanations, fit it, in a peculiar manner, for beginners. Whereas the philosophical arrangement, the intimate connexion and subordination of all the parts, the mode of instruction by a purely analytical process, and by formulæ perfectly abstract and general, adapt Lacroix only to students of a higher class, and of somewhat cultivated minds. Those, indeed, who have already learnt the mechanism of algebra, will be most likely to seize readily and with satisfaction 'the spirit of the methods' of Lacroix.

We have already mentioned some of the principles by which this author seems to have been directed. He endeavors always to take the reader along with him, never to lay down a rule until it begins to be anticipated, never to give a new process, or bring forward a new principle, until its necessity is felt. We are thus enabled to keep pace with him and be present at his discoveries, to divine his reasons and partake of his power.

The Algebra is divided into two nearly distinct parts, one relating to equations, the other to proportion and progession, including logarithms and questions of interest.

The author begins by solving, in common language, and at length, some simple problems leading to an equation. This furnishes occasion for explaining the use of letters and signs in the place of language. The signs are thus at once fixed in the memory, their utility made evident, and the object of algebra made known. Every thing is introduced in its natural order, and seems to be the consequence of an effort of invention arising from the exigence of the case. All the apparent absurdity of the usual statement of the doctrine of plus and minus both in addition and multiplication is entirely avoided; and the general and abstract nature of algebraical quantities, which is with such difficulty understood by learners, and not understanding which, we have observed to be at the bottom of the obscurity that many persons find in the elements of algebra, is clearly pointed out.

On the subject of fractions, the artifice in the investigation of the common divisor, of introducing into, or rejecting from one of factors any quantities, not found in all the terms of the

other, is exceedingly well illustrated. After some examples, tending to explain the nature of negative, of infinite, and of indeterminate quantities, when they occur in a result, and throwing much light on the metaphysics of algebra, what relates to equations of the first degree is concluded by formulæ for their solution, stated in as mechanical a form, as the warmest advocate for the old fashion could desire.

Introducing equations of the second degree by a question which leads to such an equation, and proving the necessity of some method of extracting roots, he proceeds immediately to the application of the formula $a^2 + 2ab + b^2$ to numbers. This application, and that of the formula for the cube and for other powers, are among the most excellent things in the work, on account of the perfect explanation they afford of the arithmetical processes, an explanation which was hitherto almost wanting.

After giving some methods of approximating the indeterminate roots of numerical quantities, he comes to the common formula for equations of the second degree. In showing, from the nature of the question, the necessity of the roots being imaginary in an equation, of which the known term is negative in the second member, and greater than the square of half the coefficient of the first power of the unknown quantity, he gives a striking specimen of his way of investigating 'analytical facts,' and displaying the spirit of the analysis. One unaccustomed to these investigations is surprised to find himself engaged in examining a general principle, when he thought himself employed on a particular case. Indeed, Lacroix never neglects an opportunity of showing the nature and the power of the instrument he employs. Leaving to the instructer or the reader the application and illustration of principles, he is always hastening on to the development of some new fact. Many of these might be pointed out, but we are deterred by the difficulty of expressing them independently of their application. We notice, as remarkable, the demonstration of the binomial theorem; the most complete, most general, and at the same time most difficult perhaps, to understand, that has been introduced into an elementary book; and the manner in which he employs the principle that $x^n - a^n$ is always divisible by $x - a$. On this he makes the theory of equations to hinge, and, by its various applications, introduces an uniformity and continuity of procedure into this part altogether unusual.

In the article immediately subsequent, a general method for elimination in equations above the first degree is given, founded on the method of Euler; and several examples are brought of its application. Its general nature renders it difficulty to understand, but the difficulty vanishes before a few well selected examples, at least all but the inherent difficulties of a part of algebra, in which so much remains still to be done. We have here some propositions demonstrated in the synthetical form, one of which may serve as an instance of the difference in the mode of demonstration used by the English and French mathematicians. It is proved, that 'if the coefficients of an equation be whole numbers, no one of the roots can be fractional.' It is in the way of *reductio ad absurdum*, but not in the categorical fashion; the consequence being shown, the absurdity is left to be inferred. Now, Wood,* in concluding the same proof, says *outright*, 'that is, $\frac{a^n}{b}$, a fraction in its lowest terms is equal to a whole number, which is absurd; therefore $\frac{a}{b}$ is not a root of the equation.' The whole of this conclusion, in the present and similar cases, is omitted by the French, and to us accustomed to the formality of logic, the proof is apt to seem elliptical.

In giving some general methods of finding the commensurable roots or factors, Lacroix deviates from his usual plan of following the march of invention. Indeed, in a subject so abstruse and extensive as this, it would require more time and space to follow it, than, in an elementary work, could be admitted. The methods, however, are usually illustrated by examples. He then shows how to obtain proximate roots of numerical equations by Newton's method of successive substitutions, as improved by Lagrange.

The second part is remarkable for its simplicity and for the regular gradations by which the doctrine of progressions, ending in diverging series, is deduced from ultimate truths. Logarithms, ways of calculating which he points out, and the mode of employing which, he teaches, are introduced as a part of the solution of the question, to find the value of z in the equation $b^z = c$. They are applied to the solution of questions in interest. One of the formulæ obtained for this purpose will serve at once to show the advantage which would be

* Wood's Algebra, art. 275.

gained in this part of arithmetic, by the employment of algebraical processes, and as an example of our author's method. $A = a\,(1+r)^n$ is the formula or rule by which either the principal, the amount, the rate per cent. or the number of years, may be found in any question of compound interest, where the three others are known. This performs, by means of two or three simple operations, the work of exceedingly long and complicated arithmetical calculations. The form in which it is applied to each case is given; but when a similar formula has been found for the case in which a new sum is deposited at the end of every year, it is left to be varied by the learner.

What we consider most remarkable and of greatest value in Lacroix's Algebra, are its natural method, the light it throws on the logic of mathematics, and its completely analytical form.

In his method he follows Clairaut, who was the first to compose elements according to the very philosophical conception of introducing the artifices and making the parts succeed each other in the same order in which they might be supposed to have occurred to an original inventor. In the execution of this plan, which was sanctioned by the approbation of Laplace, Lacroix has made several improvements.

In regard to its subserviency to logic in developing the processes of reasoning, he seems to have thoroughly imbibed the views of Condillac. In this respect, his book stands alone. The sole, or certainly the principal object, in other elementary treatises, seems to have been to make expert calculators. Without neglecting this, or, we should rather say, performing it better than it could otherwise be done, he has effected another, and to the general student, we repeat, a very much higher object.

The treatises commonly in use are not strictly analytical. They are algebra delivered in the synthetical form. Of such we have had enough; and we should think it not unimportant, even as a matter of curiosity, that there should be in a course of liberal study, at least one example of the instrument which Newton and Laplace have employed in their sublime discoveries. The form of an elementary treatise, on nearly every other subject, must almost of necessity be synthetical; on analysis itself, it should certainly be analytical. The object of books on other subjects is to communicate truths that are known. On this, at least, it should be to furnish the

means of discovering new. But, 'though truths can be well conveyed in the synthetical way, the method of investigating truths are not communicated by it, nor the powers of invention directed to their proper objects.'*

A skilful analysis is the guide, which must lead to all the discoveries that are to be made in the mechanic arts, in natural philosophy, in medicine, in short, in whatever is to be advanced by deductions from established principles. The synthetical process always supposes the truth known. It cannot go forward a step in the path of discovery. This is the proper work of analysis. And it cannot be a matter of small moment, if we regard the progress of the sciences, whether the student shall or shall not be furnished with a model of the instrument he is to use, in the improvement of the arts of life, and the sciences that contribute to adorn and elevate his existence.

When to these considerations we add, that the book before us forms the first step of a direct introduction to the excellent treatises on astronomy and the various branches of physics, that have proceeded from the hands of the French philosophers, more plain and interesting, as a general characteristic, and, in some instances, incomparably more perfect, than those written on the other side of the British channel, and observe that these admirable bodies of science have hitherto been sealed books to the American student, in consequence of his ignorance of the mathematical language in which they are written, we cannot but consider the translation and publication of these elements as an important era in the history of instruction among us. It is one step, and a very considerable one, towards removing the reproach, to which, from community of language, we have been obnoxious, together with the English, of being almost a century behind the rest of the world in all that relates to mathematical and physical science.

If there be a text-book in use at our colleges more unexceptionable than any other, it is certainly Playfair's Euclid; and yet, some advantages would, we think, be gained, by the substitution of Legendre. Euclid's arrangement, though sometime exceedingly beautiful, is often arbitrary. Parts are separated which belong together. Modes of demonstration are employed, which have become unnecessary and yielded to simpler ones. The whole has the appearance of being in-

* Playfair's Diss. 2d, p. 35.

tended for the entertainment of speculative men, rather than for practical application to the purposes of life. But the catalogue of faults, in conception and execution, is exceedingly small. It is not because Euclid is not admirable, that we would have his place supplied. It is chiefly because he does not give us principles which have been discovered, and methods that have been invented, centuries since his death.

Still, Euclid must always be admired and studied by every lover of science or of argument. If we were challenged to produce a work more perfect in its arrangement than any other we have ever seen, we should, without hesitation, fix on Euclid's First Book. We may imagine, that, on sitting down to compose his elements, he thought first of laying before us the truth contained in the 47th proposition. He arranged all the principles on which it rests, so that every one should stand in its place, and each point directly to the truth he had in view. He never wanders from his purpose. He only steps aside, occasionally, to give an extension, or the converse, or a striking application of the principles he found in his way; but without any more interruption to the unity of his plan, than are the episodes in an epic poem. The thirty-second and forty-third propositions seem to be the only exceptions to these observations; and of these, the former was sufficiently important to be a subordinate object, and of the latter, he foresaw that he should have immediate use in the next book. So far, he left little for future geometricians but to follow. Some of the demonstrations have been simplified, and some things have been demonstrated anew. But still we are doubtful whether the same truths have been, or can be presented in a more natural, or more striking order, or with greater force, than they were by Euclid. But farther than this we cannot go. Most of the propositions in the very next book are valuable only as striking instances of the truth of principles, which we arrive at more readily, and state more clearly, in the simple and comprehensive language of Algebra. Here, too, he is obliged to give us a proof of the imperfection of his instruments, by delaying many of the properties of parallelograms, until he shall have laid down the doctrines of ratios, a doctrine, which belongs no more to geometry than to arithmetic; as it consists of truths that are applicable to all modifications of quantity, and properly makes a part of that language, by which we investigate all.

Legendre's Elements are divided into two parts, the first in four sections on plane geometry, the second in four on solid geometry.

The first section is called 'First Principles, or the properties of perpendicular, oblique, and parallel lines.' On the same subject as Euclid's First, it contains several propositions not to be found there, besides the demonstration, that 'all right angles are equal, parallel lines are throughout at the same distance,' and 'straight lines cannot coincide in part, without coinciding altogether;' all of which Euclid considered either as self-evident, or as consequences of his definitions. Many of the axioms, and all the postulates are omitted. Euclid's fifth is made perfectly easy, by being deduced from the equality of triangles with three equal sides; the seventh is dispensed with; and the demonstrations, especially the indirect ones, of many others, are exceedingly simplified. The foundation of the theory of parallel lines, the plague and shame of geometricians ever since the days of Euclid, is laid on a mechanical construction, which has at least the merit of pointing out to the beginner just where the weak point is, and not leaving him to wonder, on being for the first time *told*, that there is a want of rigor in the structure of the first book of the Elements.

The second section, 'Of the Circle, and the measure of angles,' contains propositions similar to those in the third book of Euclid. In this section he proves the proportionality of angles and arches; and great advantage is derived, throughout the work, from introducing, thus early, a measure which is the last result of what is commonly made the last book of Euclid.

'The third section, entitled Proportions of Figures, contains the measure of surfaces, their comparison, the properties of a right-angled triangle, those of equiangular triangles, of similar figures,' of chords, secants, tangents, and of inscribed figures. Here are propositions like many in the first, second, third, and sixth books of Euclid, with several additional ones. The eleventh in this section is the forty-seventh of Euclid; and to give an instance of the simplicity of our author's arrangement, we observe, that the demonstration, which, in Euclid, rests on scarcely less than thirty propositions, depends here on not more than ten. Even in Dr Thomas Young's Abstract of Mathematics, concise as that is, it rests on several more.

'The fourth section treats of regular polygons, and the measure of the circle. Two lemmas are employed as the basis of this measure, which is otherwise demonstrated after the manner of Archimedes. We then have two methods of approximation for squaring the circle.' The first of these is that of James Gregory, and is this. The surface of two regular inscribed and circumscribed polygons being given, by means of them, polygons, about and within the circle, of double the number of sides, are estimated, and the operation continued, until the surfaces of the two polygons do not differ for a certain number of decimals. This value is taken for the surface of the circle between them. By the second, a square is changed into an equivalent octagon, this into a figure of sixteen sides, &c. and circles are successively inscribed and circumscribed, until their *radii* differ as little as we please from equality. After this section, follows an appendix of ten propositions, on the *maxima* of isoperimetrical figures, ending with a demonstration, that the circle is greater than any other figure of the same perimeter.

The former sections of this part are followed by problems on the application of the principles contained in them. Some of these are very important, as those teaching to find the ratio of commensurable straight lines and angles, and one which attempts to find the common measure of the diagonal and side of a square. This first part contains upwards of fifty new propositions.

Of the Second Part, the first section, 'Of Planes and Solid Angles,' contains several new propositions, and ends with problems for finding a plane and solid angle, from given plane angles and their inclination.

In the second section, 'Of Polyedrons,' are many propositions not found in any other elementary work. To avoid the objections to which the definitions usually given of similar polyedrons are liable, they are described to be those, whose bases being similar, have the vertices of their homologous solid angles determined by triangular pyramids similar, each to each. This is a great improvement; but, in applying the condition thus introduced, he gets into some very long demonstrations, which, it strikes us, might be rendered much more concise. One of the most curious of the demonstrations is that of the solidity of a triangular pyramid. A lemma is given, from which as corollaries are deduced, that such a pyra-

mid must be greater than the fourth, and less than the half of the product of its base by its altitude. These two *limits* being fixed, a proposition follows, in which any supposition, but that of its equality to a third of its base by its altitude, is shown to lead to its being greater than the half, or less than the quarter of this product.

Section third treats of the Sphere and of Spherical Triangles. The whole of this is an addition to the elements. In it some of the properties of spherical triangles are demonstrated, and a measure fixed for the surface of these triangles, of spherical polygons, and lunary surfaces; by this last is meant that surface comprehended between two semicircumferences of great circles, which terminate in a common diameter.

'The fourth section treats of the three round bodies, which are, the Sphere, the Cone, and the Cylinder.' Most of the propositions of this section are demonstrated by the method of Maurolycus. Two bases are supposed, and a regular polygon to be circumscribed about the inner, so that its sides shall not meet the circumference of the greater. On this, if the case require, a regular polyedron is supposed to be constructed, and it is shown that we cannot suppose the measure assigned for the solid or the surface under consideration, to be that of one greater or less, without involving the absurdity, that a figure, contained within another, may be the greater. All these indirect demonstrations are long, and become somewhat tedious from their very great similarity.

It is usually considered necessary to unity of design, in this part of geometry, that an author should employ the same single method of demonstration in all the cases to which it can apply. But why is it not a subordinate object of some importance in an elementary work, to present the reader with a variety of modes of demonstration? In this view, it would be an improvement to have some of these propositions demonstrated by the method of exhaustions, in the concise manner in which it is used by Lacroix. After some more strict mode of demonstration, we might also apply that called the method of indivisibles; and with great advantage to the memory, it establishes such simple and striking relations between the propositions to which it is applicable. The relation between the triangle and parallelogram, for instance, is one of the simplest in geometry; the circle, considered as made up of an infinite number of triangles, whose vertices are at the centre and bases in the

circumference, is referred to the same measure. The same principle might be applied to round bodies. The measure of the solid triangular pyramid being given, the sphere, conceived to be composed of an infinite number of such pyramids, with their vertices at the centre, would immediately be seen to have for the measure of its solidity a third of the radius by its surface. And, as to that surface, if we conceive it to be generated by the revolution of the semiperimeter of a polygon, of an infinite number of sides, about a diameter, we have for its measure that diameter multiplied by a circumference. Many applications will occur to the geometrician; and, if it be objected to the strictness of the method, that it involves the consideration of infinity, we might answer, that this consideration enters into all the other modes of demonstration, that it always has entered, and, for aught we see, always will enter into those demonstrations in which curved lines are referred to straight lines. And it matters not whether this idea of infinity is presented in the form of the indefinite approach of two curves, with a polygon between them, of the unlimited multiplication of the sides of two rectilineal figures, or the infinitely numerous sides of one.

From the uniform simplicity of the demonstrations of the first part, it is exceedingly well adapted to elementary instruction, and might be introduced immediately after Euler's Algebra. The difficulty of the second makes it best to have it put off to a more advanced part of the course. Indeed, the easier parts of geometry might be introduced much earlier in the course of instruction than they usually are. Geometry addresses itself more immediately to the senses; and the synthetical demonstration is more strikingly and irresistibly convincing than perhaps any other; and one reason that it has not been earlier introduced is, doubtless, the difficulty of some of the first propositions in Euclid, the universal text-book. This difficulty is now removed, and it is one of sufficient magnitude to authorize a considerable change. It seems important that mathematics should be introduced as early as possible in the course, in order that the powers which it exercises may sooner be brought into complete action, and the time afterwards be better employed in those studies which are of more immediate practical utility, and whose object and tendency is rather to furnish the mind, than to give it strength.

The translator has introduced, under the title of an intro-

duction to the geometry, an explanation of the algebraical signs, and the theory of proportions, taken, with improvements, from Lacroix's Geometry. A small part of the original of Legendre is omitted. The only portion we regret, is a few propositions on regular polyedrons, which are very simple, and would be likely to interest beginners.

For the convenience of the student, the plates of this volume are separate from the volume itself. The whole work is executed with great care. It is rare to find a mathematical book, from the English or French presses, so uniformly free from errors.

Art. XVIII.—*Poems by William Cullen Bryant.* Cambridge, Hilliard & Metcalf. pp. 44.

Of what school is this writer? The Lake, the Pope, or the Cockney; or some other? Does he imitate Byron or Scott, or Campbell? These are the standing interrogatories in all tribunals having the jurisdiction of poetry, and it behoves us to see that they are administered. He is then of the school of nature, and of Cowper; if we may answer for him; of the school which aims to express fine thoughts, in true and obvious English, without attempting or fearing to write like any one in particular, and without being distinguished for using or avoiding any set of words or phrases. It does not, therefore, bring any system into jeopardy to admire him, and his readers may yield themselves to their spontaneous impressions, without an apprehension of deserting their party.

There is running through the whole of this little collection, a strain of pure and high sentiment, that expands and lifts up the soul and brings it nearer to the source of moral beauty. This is not indefinitely and obscurely shadowed out, but it animates bright images and clear thoughts. There is every where a simple and delicate portraiture of the subtle and ever vanishing beauties of nature, which she seems willing to conceal as her choicest things, and which none but minds the most susceptible can seize, and no other than a writer of great genius, can body forth in words. There is in this poetry something more than mere painting. It does not merely offer in rich colours what the eye may see or the heart feel, or what may fill the imagination with a religious grandeur.

It does not merely rise to sublime heights of thought, with the forms and allusions that obey none but master spirits. Besides these, there are wrought into the composition a luminous philosophy and deep reflection, that make the subjects as sensible to the understanding, as they are splendid to the imagination. There are no slender lines and unmeaning epithets, or words loosely used to fill out the measure. The whole is of rich materials, skilfully compacted. A throng of ideas crowds every part, and the reader's mind is continually and intensely occupied with 'the thick coming fancies.'

The first poem is in the majestic and flexible stanza of Spenser; the last is in the common heroic blank verse; and in both there is a powerful sway of versification, and a sure and ready style of execution. The others are shorter than these. They have great freedom and propriety of language, and are abundantly rich in sentiment, and marked by the utmost fineness and delicacy of perception. We are not endeavoring to speak favorably of this poetry, we wish only to speak of it justly, and those who read it and apprehend its beauties will say, that we do it no more than justice.

The first poem, entitled The Ages, was spoken before the Phi Beta Kappa society of Harvard University at its last anniversary. It is an outline of the different stages of society, with some general prospect of what may be hoped for hereafter.

> 'Has Nature, in her calm majestic march,
> Falter'd with age at last? does the bright sun
> Grow dim in heaven? or, in their far blue arch,
> Sparkle the crowd of stars, when day is done,
> Less brightly? when the dew lipp'd spring comes on,
> Breathes she with airs less soft, or scents the sky
> With flowers less fair than when her reign begun?
> Does prodigal autumn, to our age, deny
> The plenty that once swell'd beneath his sober eye?'

The pictures of man, in a savage and semi-barbarous state, are given with great strength of colouring. The views are broad and full of light, and the tone of the versification deep, solemn, and powerful. The reader is borne away with an irresistible influence, while his mind is entirely filled and satisfied.

> 'Lo! unveiled
> The scene of those stern ages! What is there?
> A boundless sea of blood, and the wild air

Moans with the crimson surges that intomb
Cities and banner'd armies; forms that wear
The kingly circlet, rise, amid the gloom,
O'er the dark wave, and straight are swallow'd in its womb.'

The striking features of the national character and state of society in Greece and Rome are then sketched with distinct and bold strokes. A notice of the reformation follows, when 'the web, that for a thousand years had grown o'er prostrate Europe, crumbled, as fire dissolves the flaxen thread.' These are proper topics, for the ideas and principles derived from these sources are the elements of which modern society, or rather modern mind and character, are compounded. Though they are necessarily touched upon but generally, yet there is no vagueness or obscurity; the images are illustrative, and grand, and commensurate with the subject; and it is hardly too much to say, that they are as close, as intelligible, and as full fraught with meaning, as are those of Spenser himself. The imagery and poetry of this part are not more beautiful and great, than the thoughts are just and philosophical. We will cite one passage more from this part of the poem.

'Those ages have no memory—but they left
A record in the desert—columns strewn
On the waste sands, and statues fall'n and cleft,
Heap'd like a host in battle overthrown;
Vast ruins, where the mountain's ribs of stone
Were hewn into a city; streets that spread
In the dark earth, where never breath has blown
Of heaven's sweet air, nor foot of man dares tread
The long and perilous ways—the cities of the dead;

'And tombs of monarchs to the clouds up pil'd—
They perish'd—but the eternal tombs remain—
And the black precipice, abrupt and wild,—
Pierc'd by long toil and hollow'd to a fane;—
Huge piers and frowning forms of gods sustain
The everlasting arches, dark and wide,
Like the night heaven when clouds are black with rain.
But idly skill was task'd and strength was plied,
All was the work of slaves, to swell a despot's pride.'

In the conclusion the writer turns to his own country, which he puts before you as it was when

—— 'all the broad and boundless mainland, lay
Cool'd by the interminable wood, that frown'd

O'er mound and vale, where never summer ray
Glanc'd, till the strong tornado broke his way,
Through the grey giants of the sylvan wild :'

And as it is now, that

—— 'towns shoot up, and fertile realms are till'd ;
The land is full of harvests and green meads ;
Streams numberless, that many a fountain feeds,
Shine, disembower'd, and give to sun and breeze
Their virgin waters ; the full region leads
New colonies forth, that toward the western seas
Spread, like a rapid flame among the autumnal trees.'

There is a more cheerful splendor in this part, which succeeds gratefully to the sterner character of the preceding. But there is kept up to the end the same sweeping power of words, and lofty tone of thought—the same radiance of imagery and intense inspiration. This whole poem occupies but a short space in a book, but it is of materials of large dimensions, and beams with a lustre that will not, we believe, grow dim.

Perhaps some may wish us to mention that the sense is not invariably suspended at the conclusion of the lines, and in two instances, we think there are two, does not conclude with the stanza. There are some instances of trisyllabic feet, such as are found in Spenser and Byron and others, who have written in the same stanza. Whether these are beauties or defects is hardly worth the inquiry in such a production, where they are buried and lost in so much that is great and superlatively beautiful.

The other pieces are short, and all of them, except three, have been published in this journal, and one of these three has appeared in the Idle Man. But the author has altered and added to some of them in this volume. Those who had singled out Thanatopsis, and put it in their number of admirable things, will be concerned to learn that the author has made considerable additions and some alterations. But he has not, we think, marred his work, and in its new form it will deserve to be a favorite no less than before. It now concludes thus ;

'So live, that when thy summons comes to join
The innumerable caravan, that moves
To the pale realms of shade, where each shall take
His chamber in the silent halls of death,

Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but sustain'd and sooth'd
By an unfaltering trust, approach thy grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.'

Of the shorter pieces, that to a Waterfowl is thought by some the best. It has, perhaps, conceptions of greater novelty and strength, but we can imagine nothing finer than the Inscription for the Entrance into a Wood, Green River, and the Yellow Violet. We will quote a part of the first, which many of our readers probably do not recollect.

'Whither, 'midst falling dew,
While glow the heavens with the last steps of day,
Far, through their rosy depths, dost thou pursue
Thy solitary way?

'Vainly the fowler's eye
Might mark thy distant flight to do thee wrong,
As, darkly painted on the crimson sky,
Thy figure floats along.

'Seek'st thou the plashy brink
Of weedy lake, or marge of river wide,
Or where the rocking billows rise and sink
On the chafed ocean side?

'All day thy wings have fann'd
At that far height, the cold thin atmosphere;
Yet stoop not, weary, to the welcome land,
Though the dark night is near.

'And soon that toil shall end,
Soon shalt thou find a summer home, and rest,
And scream among thy fellows; reeds shall bend
Soon o'er thy sheltered nest.'

Art. XIX.—*An Essay concerning the Free Agency of Man, or the Powers and Faculties of the Human Mind, the Decrees of God, Moral Obligation, Natural Law, and Morality.* Montpelier, Vt. 12mo. pp. 215. 1820.

To every reader, who carefully notices the title page of this book, it must appear surprising, that so many subjects of such extent and difficulty could all be despatched in a thin duo-

decimo volume. The author has, however, at least an unquestionable right to the praise and gratitude of his readers for his conciseness. It is not our intention to give an analysis of the book, nor to notice the opinions advanced on every subject. We shall confine our remarks to a few principal points.

The first chapter is wholly employed by the author in the definition of important terms, and in stating the principles on which his reasoning is to proceed. Both these are contrived with particular reference to the conclusions which he aims to establish. In some of the definitions, we think, there is a want of precision and correctness. *Sensation* is confounded with *perception; reflection* with *memory;* and *choice* with the *greatest apparent good.* Of *reasoning* the following definition is given. 'Reasoning are the several steps taken by the mind to attain a knowledge of truth.'

To say nothing of the clumsiness of this definition, it is far from being correct, for there are other means employed in the discovery of truth besides reasoning. Perception, simple comparison, definition, and chemical analysis, are methods used for the attainment of truth, neither of which can with propriety be denominated reasoning. This term has a technical and more limited meaning. It is exclusively applicable to those operations in which relations are traced by the instrumentality of proofs.

There are several other definitions to which we might object; but we pass to articles of more importance. Our author adopts the ancient division of the mind into two leading faculties or powers, which are the understanding and the will. But this classification is incomplete, for there are many states of mind, which cannot properly be ranked under either of those heads. The understanding he calls the passive power, and the will, the active power of the mind. He thinks each of these powers may act without the assistance of the other, and makes frequent mention of the passive operations of the understanding. So the will is thought to act without knowledge.

'I believe,' says he, 'the first volitions of every mind are at random. They take place before knowledge exists.—I do not apprehend that knowledge is necessary for the existence of volitions; that is, volition may exist without knowledge, as it does in the minds of infants and ideots.' p. 31.

When the understanding, will, memory, and the like, are called powers or faculties of the mind, the language must be regarded as wholly figurative. These names are applied in consequence of the different actions which the mind performs, and must not be considered as implying separate parts or instruments of the mind, as when we speak of the limbs and organs of the body. From the singleness of conciousness, it is manifest that the mind is simple and uncompounded; in every act, therefore, its whole substance must be employed, though the energy, with which it acts, be not always the same. One half the mind can no more be engaged without the other, than one half of a ball can move while the other half is at rest. But though the mind be in its nature simple, its operations are often complicated. The understanding and will reciprocally guide and assist each other. Even in the reception of ideas from external objects, as in hearing, seeing, &c. the mind is not entirely passive, as some have supposed. Without some degree of attention, which is an act of the will, no perceptions are required. The reason why the mind has been thought passive in such cases is, that we cannot ordinarily avoid the effects produced by material objects on the senses. But this does not prove that the mind is wholly passive, when thus affected; and that it is not so is manifest from this circumstance, that in proportion as our attention is called off from particular objects, the impressions we receive from them will be feeble and imperfect. We are sometimes so deeply engaged in thought, as to be unaffected by sounds, which usually attract our notice; and a sudden fright may render us for a while insensible to all surrounding objects.

The thing most insisted on in the book we are examining is the free agency of man. The author endeavors to establish this important doctrine on an immovable foundation, and in order to this he examines the principles advanced on the subject by Locke in his chapter on power, and by Edwards, in his treatise on the will. He is equally dissatisfied with the theories of both these philosophers, in respect to the successive acts of the will, the first of whom proposes '*uneasiness*,' and the other, '*the strongest motive*,' as the immediate cause of volition. It would wholly subvert human liberty, he supposes, to have the will in the slightest degree swayed by the judgment of the understanding, or by the influence of motives. This is manifest from the following expressions.

'Liberty or freedom, is the mind beginning, regulating, continuing, and ending its volition, without any thing to act on the mind, so as therein to produce, or prevent volition; also there being nothing to hinder or impede the intended external effect of volition.'

Again.

'The mind has an active power; but I do not consider this alone, though it is taken into the account, to be freedom; but the absence of things, that the mind may exercise its active power in beginning, regulating, continuing, and ending its volition, without compulsion or restraint.'—'The phrase, to exercise one's liberty, when speaking of the mind, must mean that there is nothing acting on the mind, so as therein to produce or prevent volition. If any one should inquire why the mind wills, the proper answer is, because the mind has an active power. But how do you know that it has an active power? Because I do not feel that I am acted upon, and made to will. It is absurd for any one, who believes that the mind has an active power, to inquire what makes or causes the mind to will; for if any thing makes or causes the mind to will, it has no more activity in willing, than in feeling, but must be passive in both.

'Volitions are not effects, unless something acts on the mind, and therein produces them. But, if they are so produced, then the active power to begin action is not in the mind, but in something else, which begins the action. Before any one undertakes to decide, that volitions are effects, produced by uneasiness of desire, or by the strongest motive in the mind's view, or by any thing else, let him seriously consider, whether the mind has an active power, by which it can begin, continue, and end volition in itself.' p. 25.

From these extracts it is manifestly the opinion of the writer, that if the mind be active in willing, it must not, itself, be influenced by any thing extraneous. This we think an erroneous supposition; and we see no good reason why volitions may not be called effects. They have precisely the same claim to that appellation, as other things to which it is applied. Cause and effect are relative terms, and have reference only to changes, which take place. That is denominated a cause, which immediately and uniformly precedes any new appearance; and the new appearance itself is called an effect. All the material substances around us are undergoing continual alterations in their component particles; and in organized bodies sensible changes are rapidly taking place. But in all this

ceaseless variety of mutations, there is not a single instance in which we are able to discover any real efficiency, or to trace any necessary dependence of one quality, or one event on another. All our knowledge of causation resolves itself into contiguity of successive appearances. Thus a spark of fire is said to be the cause of the explosion of gunpowder: not on account of any knowledge we possess of the secret process which suddenly takes place in the minute particles of the powder, but because the contact of the spark was the event which immediately preceded the explosion. In like manner we speak of heat and cold as the causes of innumerable phenomena in bodies, merely because they are the uniform antecedents of the phenomena which occur.

The intellectual, like the material world, is subject to perpetual changes. Our present thoughts and feelings immediately give place to others, and consciousness is perpetually shifting from one subject to another. In the successive changes of the mind, as in the phenomena of material objects, we employ the terms cause and effect, to denote merely the relation of antecedence and subsequence in the order of events. The varying states of the mind are subject to the influence of general laws. It is for this reason that we are enabled to conjecture, with a good degree of certainty, how men will act in any supposable circumstances, by knowing how men have before acted under circumstances of a similar nature. In every country and in every period of the world, men have endeavored to avoid hurtful objects, and to obtain those which are agreeable. This fact can in no way be accounted for, if we deny that the volitions of men are in any degree influenced by their hopes and fears, their desires and aversions.

We are ready to go any reasonable length with our anonymous friend, in the support of human liberty; but we cannot espouse such notions of freedom as are inconsistent with the rational character of man. Volitions, that are not produced by motives, must be wholly fortuitous and irregular. This doctrine renders both the understanding and the will useless. It can be of no service for us to know what actions will promote our happiness, unless this knowledge has some tendency to produce those actions; and the power of willing and acting, without the guidance of reason, is the privilege of wandering about in total darkness. The doctrine in question is

opposed to the common sense of mankind. Ask any person, young or old, learned or ignorant, why he performed a particular action, and he will name some reason or motive as the true cause, without which the action would not have been performed. Without the causal influence of motives on volitions, there would be no consistency in the conduct of men, no accountableness for actions, no justice in rewards and punishments.

However plausible the doctrine we are examining may be made to appear in theory, it has not yet been attempted in practice. Its stoutest advocates, we are persuaded, would act like the rest of mankind in the common business of life. The only difference between them and others would be in the explanation they would give of their conduct, and this must make them ridiculous. Let us suppose a person, fully impressed with this theory, to be called to an act of benevolence. He sees a fellow-being struggling in the waves, and sinking to inevitable death. He plunges into the flood, and, by a successful effort, rescues the unhappy sufferer from his fate. The relieved person, on recovering strength, pours out his soul in gratitude to his benefactor, who replies to him, in the spirit of his philosophy, 'I have no claims to these expressions of thankfulness, and you owe me nothing for the assistance I have rendered you. If actions are prompted by volitions, volitions themselves are not effects resulting from motives, or any previous circumstances. Be assured that in this, as in all other cases, my mind has been *free;* and that I have not been influenced, in the slightest degree, by any sympathy for your sufferings, or concern for your welfare.'

We are not able to discern the difference which our author finds between the acts of choosing and willing. In the latter, he says, the mind is entirely active, and in the former wholly passive. But we contend that a volition is required in every act of choice. We cannot, it is granted, cause such qualities to exist in objects, as we wish them to possess. We are under the necessity of seeing them as they are. When, therefore, several things are presented to us at the same time, some will appear more pleasing than others, and we are naturally led to fix on that which is the most pleasing. But the choice is usually made with caution. The mind compares and deliberates, and the balancing is at last terminated by a decree of the will. The following illustration is given us by our author.

'A man may choose or prefer the doing of an action proposed, and at the same time not will to do it. Suppose walking is proposed. Now walking may be more pleasing or agreeable to one's mind, than not to walk; therefore, as soon as it is proposed, he may prefer or choose to walk; and at the same time, he may sit still, because he does not will to walk. The choice or preference to walk may *necessarily* exist in the understanding, when the mind has compared walking with not walking; but the necessity of choice does not make volition, which is an act of the will, necessary. The mind may *freely* will not to walk, although it is under a *physical necessity* to choose to walk. In this way necessity and freedom can exist together; and in this way, a man may be bound and free at the same time.' p. 52.

What is the reason, we would ask, why the man, in the case here stated, does not will to walk? The most natural answer seems to be, because he does not choose it. Walking is a complicated act, consisting of a series of muscular exertions in the limbs; and to each of these a separate volition is necessary, which is manifest from the care practised at each step in walking, not to pitch the foot into water or filth, nor against any obstacle that might lie in the way. When, therefore, the man, in the above example, chooses the act of walking, he must be supposed to choose the whole of a connected series of efforts, and, at the same time, not to choose the first, on which all the rest depend. Or, in other words, since every act of choosing requires a volition, he must will to walk and not to walk at the same time.

This doctrine, that volitions are not caused by any thing acting on the mind, has long since been advanced by some advocates for liberty, though in a little different form. They have contended for an *indifferency* in the mind, remaining till the acts of the will are past. But this notion appears to be wild and paradoxical. It is hardly possible to conceive, that the mind should remain in a state of indifference, that is, of neutrality, suspense, or equipoise, with regard to acting or not acting, in a case it has fully examined, and in which it has found strong reasons to determine its judgment.

While we reject these extravagant notions of liberty, we would not be thought to go to the opposite extreme, and to admit all the dogmas and theories, which have been advanced by the champions of necessity. In admitting that volitions may be called effects, resulting from previous states of mind, we

do not assert, that all human volitions are necessary. There is a manifest difference between a real and a necessary cause. That may be denominated the real cause of a particular volition, which did in fact excite it, and without which it would not have taken place. But at the same time, it may not have been a necessary cause, and such as would be always followed by the same effect. We disclaim that doctrine, which annihilates all human freedom and power, and admits a universal fatality in the actions of men. The mind in willing is not moved by the same principle as a balance, to which it has often been compared. Moral causes do not operate with the same undeviating uniformity, as physical. The minds of men are differently affected by the same objects. It is only in those cases, where the reasons for acting are clear, and the motive urgent, that we can trace a uniformity in the conduct of men. No person would hesitate to move from his place in order to save himself from being crushed by a falling tree or building. In such extreme cases, all people would act alike. But where the reasons, which determine the choice of actions, are slight and feeble, different persons will take different courses, and the same person act differently, at different times. In those cases, which moral writers have called indifferent, that is, where outward circumstances present no distinct grounds for determining the choice, volitions appear to be produced by an arbitrary power of the mind. We experience no difficulty in directing our actions in these cases, and it is in these, that our freedom appears the most perfect It is not pretended that the mind ever exerts a self-determining power in opposition to motives; but we are sometimes called to make an election in things of precisely the same value; as, in choosing one of two guineas, equally bright, pure, and heavy. The motive for making the choice is the worth of the coin offered; but as the two presented to our option are regarded as of equal value, and may be obtained with equal ease, we can have no motive for taking one in preference to the other. In selecting the objects to be pursued, and in all the more important decisions of the will, we are influenced by special reasons for each separate act; but this is not the case in all the subordinate acts of the will, as in determining the exact order and manner in which a number of unconnected actions shall be performed, for the attainment of an end proposed. The object is not lost, because different means may be employed with equal advan-

tage in procuring it. Unless the mind had power to act in these minute affairs, without being impelled in each instance by a superior motive, the ordinary business of life could not be performed.

From the foregoing remarks it will appear, how far we consider the doctrine of our author, formerly stated, correct, viz. that the mind in willing is not influenced by any causes *ab extra.* For the truth of what we have said on this subject, every one must judge for himself, by carefully watching the operations of his own mind. This is the only tribunal to which an appeal can be made. The moral freedom of man is not a question of speculation, to be settled by abstract reasoning. It is a question of fact to be decided by feeling. It is on this ground, that we admit the doctrine as true. We believe we are free, because we feel that we are so. We have the same evidence of our freedom, that we have of our accountableness, our merit or demerit. It is an original principle of our constitution, for which we have the clear and intuitive evidence of consciousness.

Having detained our readers longer than we intended, on this first article of human liberty, we will not further fatigue them by any particular remarks on the subjects that follow. The author examines with attention and ability the sentiments of Doctors Edwards, Dwight, Hopkins, and others, on several controverted subjects of morals and theology. We agree with him in most of his criticisms on these authors, though some of them are minute and merely verbal. We are gratified with the candor and deference with which he examines their doctrines, evincing thereby, that, while he differs from them in sentiment, he has a deep respect for their characters.

The author of the little volume we have been examining, has seen fit to conceal his name from the public, though for what reason we cannot tell. There appears to be nothing in the character of the book, which need make its author very solicitous on this point, one way or the other. There are no swelling pretensions to uncommon powers, or extensive erudition. The style of the book is by no means elevated, nor even in all places correct. We should judge, that the writer had been more conversant with books of speculation and controversy, than with works of taste. His mind seems to be naturally formed for dry and abstruse investigations; and in many places he gives evidence of mental strength and discrimina-

tion. We are not pleased with the manner, in which he commences his work. He attempts to enumerate and define the various powers and operations of the mind. There is something very imposing in this method, and which must naturally lead inexperienced readers into error. They would be led to view the mind, not as an uncompounded substance, but as an assemblage of various parts, to which separate functions were allotted, and which had not an inseparable connexion with each other. Many writers on pneumatology have committed the same fault, and some have displayed their ingenuity in multiplying the number of original principles belonging to the mind. All such attempts are worse than useless. Instead of advancing mental philosophy, they serve rather to retard its progress, by introducing into it darkness and confusion.

Art. XX.—*Valerius, a Roman Story.* 3 vols. Edinburgh, 1821.

This novel confirms us in fears, which we have long entertained. While the author of Waverly confined himself to scenes of Scottish history, those who were subjected by him to the task of reading a tale in four volumes, every six months; who held their literary reputation, not to say their access to good company on the tenure of buying and perusing as fast as he could write, and Mr Constable could print,—consoled themselves with the idea, that the range of Scottish history would be soon exhausted. They had even the distinct assurance of this most remarkable author himself, that when they had despatched his three first works, in which the delineation of Scottish manners was intended to be brought down to the commencement of this century; they should be released from the domination of his spell, and allowed to plod on in the old routine of their professional authors. A general persuasion was cherished, that this interruption of the order of things was but temporary, and that the finest talents and rarest accomplishments of the age were not permanently to be consecrated to novel writing. The publication of Kenilworth finally dissipated this delusion, by transferring to pure English ground, English history, and English manners the same charm, which was supposed to be peculiar to associations with the other side of the Tweed; a charm so potent as to extend to the dialogues in broad lowland Scottish, which we, in imitation of the good

old father who believed because it was impossible, admired because we could not understand. Kenilworth, we consider, as having fairly broken down the main sea-dike; and we see not what is henceforward to protect any portion of history or tribe of men from the merciless inroads of this uncommon personage. Meantime, imitators are rapidly springing up, who are following the hint, and pushing their fortunes in all directions; and we have here before us a tale of great interest and beauty, of which the scene is placed at Rome in the days of Trajan.

To review all the good novels, poems, and sketch-books that come out, is wholly impossible. We have given up the undertaking long since, in despair. And they pass, moreover, so much more extensively and rapidly into the hands of the reading community than our own speculations, that the task would be as useless as difficult. With several more interesting works, therefore, of this department unnoticed, we beg leave to call the attention of our readers to Valerius, as a novel, not so well adapted, perhaps, in the choice of subject, as others of the same class for general reading, but strongly entitled to notice, for the high degree of respectability with which it is executed.

Caius Valerius, the hero of the story, is the son of a Roman soldier, who, having espoused a British wife, during his campaigns in Britain, under Vespasian and Titus, returned to this island from the intrigues of Rome to end his days. His son, Caius Valerius, our hero, was therefore educated in Britain, and the story commences with his being summoned to Rome by Licinius, his relative, a popular jurisconsult and orator of the day, in order to receive a rich inheritance, which had descended to him. Valerius sails with Boto, a British slave, on board a tin ship, up the straights of Hercules to Ostia, and on the voyage forms the acquaintance of Sabinus, a centurion, who is also returning to Rome, and who plays a considerable part in the action.

The business of the story begins with the arrival of the hero at Rome. But having invariably found those reviews of novels rather dull, in which a minute historical analysis is given of the work, we shall profit by the experience, and not fall into the error; but present our readers with a brief account of the author's plan, and a few interesting extracts.

The author's general plan is to introduce the reader to the

public and private life of the Romans, by the instrumentality of a tale, which should carry him through many of its most characteristic and curious scenes. Upon the whole, we think he has not managed with perfect skill in weaving his plot into his manners; and as we shall presently see, he makes great inroads into historical probability, for the sake of bringing a succession of pictures from Roman life before the reader's eye. Among the principal sketches are the profession of a lawyer and the pleadings in the court of the Centumviri. These are fairly introduced, for the errand which brings Valerius to Rome is his succession to an inheritance, and Licinius, his kinsman, is the lawyer and orator, to whose person these details are attached. Then we have a picture of the country life of the Romans, as led in their suburban villas. This, however, scarcely extends beyond a description of their gardens; while a philosophical conversation between two noble Romans and the Greek rhetoricians, that are in their service, is intended to represent the tone of polite and cultivated intercourse. In general, the character of the mercenary Greek pedagogue is one of the prominent pictures from Roman life, on which the author has seized, and his treatment of it is not unsuccessful. Xerophrastes, whose name, for the benefit of our fair readers, means much the same as *Dryproser*, is a philosopher of the Stoic school, employed by Licinius as the instructer of his son Sextus. His stoical philosophy is made to contrast ludicrously with his sensuality, cowardice, and adulation; though, we think, in making him an object of the coquetry of the lady Rubellia, the author has exceeded the bounds of probability. We shall take occasion, before the close of our article, to quote a very spirited scene between the worthy Xerophastes and Rubellia.

Another picture, on which our author has lavished much care, is the description of the amphitheatre, and of the contests of the wild beasts. There is a great deal of learning in this portion of the work, not ostentatiously displayed upon the surface, but thoroughly wrought into the texture. We think the following description of the confusion of the throng around the amphitheatre written with great spirit and effect.

'Musing and meditating thus, it was no wonder, that I, who knew so little of Rome, should have soon wandered from the straight way to the home of my kinsman. In truth, but that I at last caught, at the turning of a street, a glimpse of the Flavian

Amphitheatre, which I had before passed on my way from the feast of Rubellia, and of which I had been hearing and thinking so much during my visit to the quarters of the Prætorians, I might, perhaps, have been long enough discovering whereabouts I was. I had a pretty accurate notion of the way from that grand edifice to the house of Licinius, and therefore moved towards it immediately, intending to pass straight down from thence into the Sacred Way. But when I came close to the amphitheatre, I found that, surrounded on all sides by a city of sleep and silence, that region was already filled with all manner of noise and tumult, in consequence of the preparations which had begun to be made for the spectacles of the succeeding day. The east was just beginning to be streaked with the first faint blushes of morning; but the torches and innumerable lanterns, in the hands of the different workmen and artificers employed there, threw more light than was sufficient to give me an idea of all that was going forwards. On one side, the whole way was blocked up with a countless throng of wagons; the conductors of which, almost all of them Ethiopians and Numidians, were lashing each others horses, and exchanging, in their barbarous tongues, violent outcries of, I doubt not, more barbarous wrath and execration. The fearful bellowings that resounded from any of the wagons, which happened to be set in motion amidst the choaking throng, intimated that savage beasts were confined within them; and when I had discovered this, and then regarded the prodigious multitude of the wagons, I cannot say what horror came over me at thinking what cruel sights, and how lavish in cruelty were become the favorite pastimes of the most refined of people. I recognized the well-known short deep snort of the wild boar, and the long hollow bark of the wolf; but a thousand fierce sounds, mingled with these, were equally new and terrific to my ears. One voice, however, was so grand in its notes of sullen rage, that I could not help asking a soldier, who sate on horseback near me, from what wild beast it proceeded. The man answered, that it was a lion; but then what laughter arose among some of the rabble, that had overheard my interrogation; and what contemptuous looks were thrown upon me, by the naked negroes, who sate grinning in the torch light on the tops of their carriages. Then one or two of the soldiers would be compelled to ride into the midst of the confusion to separate some of these wretches, fighting with their whips about precedence in the approaching entrance to the amphitheatre; and then it seemed to me that the horses could not away with the strong sickly smell of some of the beasts, that were carried there, for they would prance and caper, and rear on end, and snort as if panic struck, and dart themselves towards the other side; while some of the riders were thrown off in the midst of the tumult, and

others, with fierce and strong bits, compelled the frightened or infuriated animals to endure the thing they abhorred; in their wrath and pride, forcing them even nearer than was necessary to the hated wagons. In another quarter, this close mingled pile of carts and horses was surmounted by the enormous heads of elephants, thrust high up into the air, some of them with their huge lithe trunks lashing and beating (for they too, as you have heard, would rather die, than snuff in the breath of these monsters of the woods,) while the tiaraed heads of their leaders would be seen tossed to and fro by the contortions of those high necks, whereon for the most part they had their sitting places. There was such a cry of cursing, and such a sound of whips and cords, and such blowing of horns, and whistling and screaming; and all this mixed with such roaring, and bellowing and howling from the savage creatures within the caged wagons, that I stood, as it were aghast and terrified, by reason of the tumult that was round about me.' vol. i. pp. 190—195.

But the portion of the manners, history, and character of the age, on which the author has bestowed the most care, is the persecution of the christians under Trajan. The celebrated correspondence between Pliny and Trajan, which is thrown, by way of illustration, into a note at the close of the work, serves as the ground work of the representations he has given. The plot, moreover, is made to turn wholly on events resulting from this persecution. We fear a portion of our readers have been a little disconcerted to find us advancing so fast in our account of a novel, and to have mentioned the hero three or four times, without having said any thing of a heroine. By way of *amende*, therefore, we hasten to assure them that there is a heroine to the story, and will presently introduce them to her, by an extract. Sextus, the son of Licinius, being of nearly the same age as Valerius, our hero, naturally falls into a close intimacy and confidence with him. Sextus is designed by his father as the second husband of Rubellia, a rich, youthful, and beautiful widow, whom we have already named; but the young Roman is already enslaved, by the fair Sempronia. To the country house of the father of Sempronia he takes occasion to steal away from the forum, and carries his friend Valerius with him. It is unnecessary to say that Sempronia's cousin, the pensive Athanasia, becomes the mistress of Valerius, and the heroine of the book.

'To this reproach I made no reply, but Capito immediately began to recite some noble verses of a hymn of Callimachus, in

which both the Greeks joined him; nor could any thing be more delightful than the deep rolling grandeur of those harmonious numbers. A sudden exclamation of Sextus, however, ere long interrupted their recitation, and Capito, looking up a long straight pathway, leading from the villa, said, "Come, Valerius, we shall soon see whether you or Sextus is the more gallant to living beauties, for here come my two nieces, Athanasia and Sempronia; and I assure you, I don't know of which of them I am the more proud. But Sempronia has indeed more of the Diana about her, so it is probable she may find a ready slave in our friend Sextus." '

'We advanced to meet the young ladies who were walking slowly down the avenue, and their uncle having tenderly saluted them, soon presented us to their notice. Sextus blushed deeply when he found himself introduced to Sempronia, while in her smile, although she looked at him as if to say she had never seen him before, I thought I could detect a certain half-suppressed expression of half-disdainful archness, the colour in her cheeks at the same time being not entirely unmoved. She was indeed a very lovely girl, and in looking on her light dancing play of beautiful features, I could easily sympathise with the young raptures of my friend. Her dress was such as to set off her charms to the utmost advantage. for the bright green of her Byssine robe, although it would have been a severe trial to any ordinary complexion, served only to heighten the delicious brilliancy of hers. A veil, of the same substance and colour, was richly embroidered all over with flowers of silver tissue, and fell in flowing drapery well nigh down to her knees. Her hair was almost entirely concealed by this part of her dress, but a single braid of the brightest nut-brown was visible, low down on her polished forehead. Her eyes were as black as jet, and full, as I have already hinted, of a nymph-like or Arcadian vivacity. Altogether, indeed, she was such a creature, as the Tempe of the poets need not have been ashamed to shelter beneath the most luxurious of its bowers.'

'The other young lady—it is Athanasia of whom I speak—she was not a dazzling beauty like Sempronia, but beautiful in such a manner as I shall never be able to describe. Taller than her cousin, and darker haired than she, but with eyes rather light than otherwise, of a clear, soft, somewhat melancholy grey, and with a complexion for the most part paler than is usual in Italy, and with a demeanor hovering between cheerfulness and innocent gravity, and attired with a vestal simplicity in the old Roman tunic, and cloak of white cloth, it is possible that most men might have regarded her less than the other; but for my part I found her aspect the more engaging the longer I surveyed it. A single broad star of diamonds, planted high up among her black hair, was the only ornament of jewelry she wore, and it shone there in

solitary brightness, like the planet of evening. Alas! I smile at myself that I should take notice of such trifles, in describing the first time I ever gazed on Athanasia.

'At the request of the younger lady, we all returned to the grotto, in the neighbourhood of which, as I have already mentioned, our tasteful host had planted the rarest of his exotic plants, some of which Sempronia was now desirous of inspecting. As we paced again slowly over those smooth shaven alleys of turf, and between those rows of yew and box, clipped into regular shapes, which abounded in this more artificial region of the place, the conversation, which the appearance of the two beauties had disturbed, was resumed; although, as out of regard to their presence, the voices of the disputants pursued a lower and milder tone than before,—a natural mark of respect (by the way) to the gentleness of female spirits, which we must all have remarked on many occasions.' vol. i, pp. 97—101.

After relating this conversation, the author pursues.

'There was a certain something, as I thought, more like suppressed melancholy than genuine hilarity, in the expression of the old man's face, as well as in the tone of his voice, while he gave utterance to these sentiments; nor did any of those present appear desirous of protracting the argument; although I did not imagine from their looks that any of them had altered their opinion. What, however, I could not help remarking, in a particular manner, was the gentle regret painted in the beautiful countenance of Athanasia, while her uncle was speaking. The maiden sate over against him all the while, with her cheek supported on her left hand, pale and silent, with an expression of deep affection and tender pity. From time to time, indeed, she cast her eye upward with a calm smile, but immediately resumed her attitude of pensive abstraction. Her uncle took her hand in his, when he had done speaking, and kissed it tenderly, as if to apologize for having said any thing disagreeable to her. She smiled again upon the sceptic, and then rising gracefully, walked by herself (for I could not help following her with my eye) down into a dark walk of pines, that branched off at the right hand from the entrance of the grotto. There I saw her stoop and pluck a beautiful pale flower, streaked all over as with spots of blood. This she placed in her bosom, and then rejoined us with a more cheerful aspect, after which we all walked towards the villa. Nor did it escape my notice, that, although Sempronia appeared willing to avoid Sextus as we went, it always happened by some accident or other, that he was nearer to her than any other person of the company.' vol. i, pp. 106—108.

This flower, which is thus mysteriously plucked by Athanasia, is the passion flower, the emblem of the christian faith, and the favorite flower of the early christians; and the reader doubtless already suspects, that the fair Athanasia is a convert to the persecuted religion. This is actually the case. Unknown to her friends or even her cousin Sempronia, she has been baptized as a christian, and the consequences of this circumstance furnish the chief incidents of the plot. Among the exhibitions of the amphitheatre, for which the preparations already alluded to were making, was the arraignment and condemnation of Thraso, a Syrian, a soldier in the armies of Titus and Vespasian, and a christian. The circumstances of his trial, and indeed of the whole scene in the amphitheatre, are among the best portions of the book. The following is the description of Thraso in prison.

'Now, when we had entered into the guard room, we found it crowded with spearmen of Sabinus' band, some of whom were playing at dice, others carousing jovially, and many wrapped up in their mantles asleep upon the floor; while a few only were sitting beneath the porch, with their spears in their hands, and leaning upon their bucklers. From one of the elder of these, the Centurion, after having drawn him aside out of the company, made inquiry straightway, concerning the names and conditions of the prisoners, and whether as yet they had received any intelligence of that, which was to come to pass on the morrow. The soldier, who was a grave man, and well stricken in years, made answer, "that of a surety the men were free born and of a decent estate, and that he had not heard of any thing else being laid to their charge, excepting that which concerned their religion. Since they have been here," he continued, "I have been several times set on watch over them, and twice have I lain with one of them in his dungeon; yet have I heard no complaints from any of them, for in all things they are patient. One of them only is to suffer to morrow, but for him I am especially concerned, for he was known to me of old, having served often with me, when I was a horseman in the army of Titus, all through the war of Palestine, and at the siege of Jerusalem."

"And of what country is he?" said Sabinus. "Is he also a Roman?" "No, sir," answered the spearman, "he is no Roman, but he was of a troop of the allies, that was joined oftentimes to our legion, and I have seen him bear himself on the day of battle, as well as any Roman of us all. He is by birth a Greek of the sea-coast; but his mother was of the nation of the Jews, and he was brought up from his youth according to their law."

"And yet, although the son of a Jewess, he was with us, say you, at the siege of Jerusalem?"

"Even so," replied the man, "and not he only, but many others; for the Jews, you know, were divided against themselves; and of all them that were christians, it was said, that not one abode in the city, or gave help to defend it. For, as this man himself hath sworn to me, the oracles of the christians, and their prophets, had of old given warning that the city must fall into the hands of Cæsar, by reason of the wickedness of that people. Wherefore, when we set our camp over against Jerusalem, these men all passed out from the city, with their wives and children, and dwelt safely in the mountainous country, until all things were fulfilled. But some of these young men fought in our camp, and did good service, because the place was known to them, and they had acquaintance with all the secrets of the rock. Of these, this man was one. He and all his household had departed from the ancient religion of the Jews, and were believers in the doctrines of the christians, for which cause he is to suffer on the morrow; and of that, although I have not spoken to him this evening, I think he has already received some intelligence, for certain of his friends passed in to him, and they covered their faces as they went in, as if weeping." "Are these friends still with him?" said Sabinus.

"Yes," answered he, "for I must have seen them had they come forth again. Without doubt, the two women are still with him in his dungeon."

"Women?" quoth Sabinus; "and of what condition think you they may be?"

"That I know not," replied the soldier; "for, as I have said, they walked in, muffled in their mantles. But one of them, at least, is a Roman, for I heard her speak to him, that is by the door of the dungeon."

"How long is it," said the centurion, "since they went into the prison?" "More than an hour," replied the soldier looking at the water clock that stood beneath the porch; "and if they be christians, they are not yet about to depart, for they never separate without singing together, which is their favorite manner of worship."

He had scarcely uttered these words, when the soldiers that were carousing within the guard-room became silent, and we heard the voices of those that were in the dungeon singing together in a sweet and lowly manner. "Ah, sir!" said the old soldier, "I thought it would be even so; there is not a spearman in the land that would not willingly watch here a whole night, could he be sure of hearing that melody. Well do I know that soft voice; hear now, how she sings by herself—and there again, that deep strong note—that is the voice of the prisoner."

"Hush!" quoth the centurion; "heard you ever any thing half so divine? Are these words Greek or Syrian?"

"What the words are, I know not," said the soldier: "but I know the tune well. I have heard it played many a night with hautboy, and clarion, and dulcimer, on the high walls of Jerusalem, while the old city was beleaguered." "It is some old Jewish tune then," said Sabinus; "I knew not those barbarians had half so much art"

"Why, as for that, sir," replied the man, "I have been all over Greece and Egypt, to say nothing of Italy, and I never heard any music like that music of the Jews. Why, when they came down to join the battle, their trumpets sounded so gloriously, that we wondered how it was possible for them ever to be driven back; and then, when their gates were closed, and they sent out to beg their dead, they would play such awful notes of lamentation, that the plunderers stood still to listen, and their warriors were delivered to them with all their mail, as they had fallen."

"And the christians also," said Sabinus, "had the same tunes?"

"Oh yes, sir—why for that matter, these very tunes may have been among them, for aught we know, since the beginning of their nation. I have stood centinel with this very man, and seen the tears run down his cheek by the star-light, when he heard the music from the city, as the Jewish captains were going their rounds upon the battlements."

"But this surely," said the centurion, "is no warlike melody."

"I know not," quoth the soldier, "whether it be or not, but I am sure it sounds not like any music of sorrow; and yet what plaintive tones are in the part of that female voice!"

"The bass sounds triumphantly, in good sooth."

"Ah sir, but that is the old man's own voice. I am sure he will keep a good heart to the end, even though they should be singing their farewell to him. Well, the emperor loses a good soldier, the hour old Thraso dies. I wish to Jupiter he had not been a christian, or had kept his religion to himself. But as for changing now, you might as well think of persuading the prince himself to be a Jew, as to talk to Thraso about that."

"That last strain, however," quoth Sabinus, "has ended their singing. Let us speak to the women as they come out, and if it be so, that the man is already aware of what is to be done to-morrow, I see not why we should trouble him with entering his cell. He has but a few hours to live, and I would not willingly disturb him."' vol. i, pp. 161—168.

Such is the description of the person who is soon to be brought forth and arraigned in the amphitheatre, in presence of its mighty crowd of all the gay, idle, and curious of Rome, in presence of the emperor Trajan himself. The trial of

Thraso is preceded by the contests of the gladiators, and we have to regret that our limits do not allow us to present our readers with the description of them, distinguished as it is for its spirit, learning, and ease. After the contests of the gladiators are over, succeeds the more pathetic scene of the trial and condemnation of Thraso. We are aware that there is ancient authority for the burning of the christians in the gardens of Nero; and the test of christianity,—the refusal to sacrifice to the heathen divinities—is happily made the occasion by our author, of introducing a most pompous description of the Roman worship. Though we feel diffident, from mere general recollection, of calling in question the accuracy of a person, who has evidently studied the Roman antiquities with a view to the preparation of this work, yet we are not prepared to admit the historical truth of introducing before the Roman people in the amphitheatre, and in sight of the emperor, a capital punishment by the hands of the executioner. We cannot deny ourselves, however, the gratification of extracting a passage from this part of the narrative. The scene opens with the performance of the sacrifice, in which the christian refuses to unite.

'Then arose the prefect of the city, who had his place immediately under the chair of the prince, and said in a voice, which, although not loud, was distinctly heard all through the amphitheatre,—"Thraso, of Antioch, being accused of blasphemy and contempt for the gods, has been brought hither, either to refute this charge, by doing homage at the altar of Jupiter Best and Greatest; or persisting in his rebellion against Rome, and the prince, and the religion of the state, to suffer openly the punishment, which the laws of the state have affixed to such perversity—let him remain where he is, until the Flamens invite us all to join in the sacrifice."

'Then Thraso, hearing these words, stept forth into the middle of the arena, and folding his arms upon his heart, stood there composedly, without once lifting up his eyes, either to the place from which the prefect had spoken to him, or to any other region of the amphitheatre. The situation in which he stood was such, that I commanded, where I sate, a full and distinct view of every movement of the old man's countenance, and assuredly my eyes were in no danger of being directed away from him. For a few moments there was perfect silence throughout the assembly; until at length, the same herald, who had previously spoken, made proclamation for the doors to be thrown open, that the priests of Jupiter might have access to the arena. Whereupon there was

heard forthwith a noise, as of the turning of some heavy machinery, and a part of the ground-work of the arena itself appeared to be giving way, right over against that quarter in which Thraso had his station. But of this the purpose was soon manifested when there arose from underneath into the space thus vacated, a certain wooden stage, or platform, covered all over with rich carpetings, whereof the centre was occupied by a marble altar, set forth already with all the usual appurtenances of sacrifice, and surmounted on one side by a gigantic statue of bronze, in which it was easy to recognize all the features of the great Phidian Jupiter. Neither had the altar any sooner made its appearance there, and the sound of the machinery, by which its great weight had been lifted, ceased to be heard, than even as the herald had given command, the main gates of the amphitheatre were expanded, and thereby a free passage prepared for the procession of the Flamens. With that, all those that were present in the amphitheatre arose from their seats and stood up, and a sweet symphony of lutes and clarions ushered in the sacred band to the place appointed for them. And, first of all, there marched a train of fifty beautiful boys, and then an equal number of young maidens, all, both boys and maidens, arrayed in white tunics, and having their heads crowned with oaken garlands, and bearing in their hands fresh branches of the oak tree, which, above all the other trees of the forest. is, as you have heard and well know, held dear and sacred to Jupiter. Then these youthful bands were separated, and they arranging themselves, the boys on the right, and the girls on the left hand of the altar, some of them standing on the arena itself, and others on either side, upon the steps of the platform whereon the altar was fixed; and beautiful, indeed, was their array, and comely and guiltless were their looks; and much modesty was apparent, both in the downcast eyes and closed lips, with which some of them stood there to await the issue of their coming, and in the juvenile admiration wherewith others of them were regarding the wide and splendid assemblage around them; insomuch, that I could not but feel within myself a certain dread and fearfulness, when I saw the feet of so many tender and innocent ones placed there upon the same hot and guilty sand, which had so often drunk the blood of fierce beasts and cruel malefactors—alas! which had drunk the blood of the innocent also—and which was yet to drink thereof abundantly.

'And after them there came in the priests themselves of Jupiter, arrayed in the white garments of sacrifice, walking two by two, the oldest and principal of them coming last. And behind them again, were certain younger assistants, clothed also in white, who led by a cord of silk inwrought with threads of silver, a milk-white steer, without spot or blemish, whose horns were already

gilt, and his broad brows crowned with oak leaves and roses. And last of all entered the vestal virgins, none of whom had ever before been seen by me, and they also walked two by two; and no one could contemplate, without veneration, the majesty of their demeanor. With broad fillets were they bound around the forehead, and deep flowing veils hung down to their feet, entirely covering their faces and their hands; nevertheless their dignity was apparent; and it was not the less impressive by reason of the great mystery, in which all things about them appeared to be enveloped. Imagine therefore, to yourselves, how magnificent was the appearance of all things, when youths and damsels, and priests and vestals had taken their places, according to the custom of their sacred observances; and all that innumerable company of spectators yet standing up in the amphitheatre, the choral-hymn was begun, in which every voice there was united, except only that of Thraso, the christian. Now it was the soft low voices of the young maidens that sounded, and then these would pause, and give place to the clearer and more piercing notes of the boys that stood on the other side of the altar; then again the priestesses of Vesta would break in from afar with their equable harmony; and anon these in their turn ceasing, the Flamens of Jupiter would lift up their strong deep chanting, until at the appointed signal from him that stood on the highest step of the altar, with the cup of libation in his hand, the whole people that were present burst in and joined in the rushing stream of the burden, —"Jupiter, Jupiter, hear us!—hear us, Father of gods and men!" while the wine was poured out, gushing red upon the marble, and the incense flung on high from fifty censers, rolled its waves of smoke over the surface of the arena, and quite up to the gorgeous canopy of that resounding amphitheatre. Magnificent, indeed, was the spectacle, and majestic the music; yet in the midst of it, how could I take away my eyes from the pale and solitary old man, by reason of whose presence alone all these things were so? With calm eyes did he regard all the pageantry of those imperial rites,—with closed lips did he stand amidst all the shouting multitudes. He bowed not his head; he lifted not up his hand; neither would he bend his knee, when the victim was slain before the horns of the altar; neither would he in any thing give semblance of being a partaker in the worship.' vol. i. pp. 264—271.

The cry of the infuriate populace in the amphitheatre, on witnessing the firmness with which Thraso refuses to join in the sacrifice, is finely conceived.

'Then the prefect, and all those round about Trajan, sat down, and there was a deep silence throughout the lower region of the amphitheatre, where, for the most part, they of condition were

placed; but when the rabble, that sat above, beheld the stern and resolute countenance with which the old man stood there on the arena, it seemed as if they were enraged thereby beyond measure, and there arose among them a fierce uproar and a shouting of hatred; and amidst groans and hisses, there was a cry from innumerable voices, of "Christian! Christian!—Blasphemer! Blasphemer!—Atheist! Atheist!—A tiger! A tiger!—Let loose a tiger upon the Christian!" '

The incantations of Pona, a very disciple and image of Canidia, furnish our author with an opportunity of describing another portion of the Roman superstitions. Pona is employed by the lady Rubellia to prepare charms and philters, by which the affections of Sextus may be averted from Sempronia and secured to Rubellia herself. Dromo, a Cretan, the slave of Sextus, faithful to the cunning of his country, and the impertinence of his calling as the favorite domestic of a young nobleman, having accidentally become aware of the dealings of Rubellia with the sorceress, undertakes to watch and frustrate her enchantments. We shall make an extract from a passage, in which the latter are described, as it will not only, we are sure, afford our readers pleasure, but convince them of the skill with which the author has enriched his work, by the appropriation of the various topics, which our limited acquaintance with Roman antiquities affords.

'I crept down to the low wall at his bidding, and, looking over it, perceived that the ground sunk very deeply on the other side; but just at that moment the moon passed behind a thick veil of clouds, so that I could not distinctly see any thing below. It seemed, however, as if the eyes of the Cretan were better than mine, for as he knelt by my side, he seized my wrist with an eager and tremulous gripe, and continued to gaze downwards into the hollow, with an earnestness, the cause of which I could by no means understand. At length the cloud rolled away and the moonbeams, falling brightly on the surface beneath, discovered to my view what it was, that had so effectually rivetted the eyes of the slave.

'The ground there was more desolate of aspect than any part of that which we had traversed—stoney and hard, with here and there tufts of withered fern, and a few straggling bushes of thorn, growing out of the ungenial soil. And immediately below the wall over which we were leaning, two human figures were visible;—wild, uncouth figures, even more desolate than the place in which they appeared. The one of them was sitting on the

ground, wrapped in a dark cloak, which entirely concealed the countenance, and even the sex of the wearer. The other was a half-naked boy, holding in a string a little new shorn lamb, which with one of his hands he continually stroked and caressed; but his eyes seemed to be fixed steadfastly upon the sitting figure, as if waiting for some signal or command. Nor was it long before that sitting figure arose, and throwing away the cloak, displayed the grey tangled tresses of an old woman, and two strong bony arms, one of which was stretched forth with an impatient gesture towards the stripling, while the other was pointed upwards to the visible moon.

"Strike," said she, "silly boy—now strike, and strike deeply, and beware lest any of the blood tinge your feet or your hands!"

'Low and dismal was the note in which these words were uttered; but I heard them as distinctly as if they had been thundered, and I recognized at once the voice of the same old woman that had attracted my notice in the morning, at the foot of the Palatine.

'The boy, hearing the words of Pona, drew forth instantly a knife from his bosom, whose glittering blade was forthwith buried at one blow in the throat of the yearling, and it was then first that I perceived a small ditch dug between the boy and the woman, into which, the lamb's throat being held over it, the blood of the innocent creature was made to drop, from the fatal wound it had received. So surely had the blow been given, that not one faint bleat escaped from the slaughtered animal, and so deeply, that the blood flowed in a strong stream, dashing audibly upon the bottom of the receiving trench. And while it was yet dropping so, the old woman muttering to herself a sort of chant, of which I could understand nothing, showered from her girdle or lap, into the trench, I know not what of bones, or short sticks, mingled with leaves and roots, which afterwards she seemed to be stirring about in the blood, with one of the tall strong stems of the fern that grew there; and then flinging the bloody fern-stem itself into the ditch, she raised the chant higher, and I heard such words as these, wild and broken, like the note in which they were sung—

"Bleeds not here in place forlorn,
The spotless yearling newly shorn?
Lies not here within the trench,
Moisten'd with the yearling's gore
Brittle bone
Of hoary crone,
With strong bone of lusty wench,
Crumbling, crumbling even more?
Queen of heaven, from out thy cloud,
Look while the owl is hooting loud,
That wandering ghost and shivering sprite,
May fear to mock my charm to-night.

"Now the bird that sings for thee,
Sings from the topmost cypress tree:
Drearily now the screech-owl hoots,
Well she knows that we have torn
The blessed hemlock by the roots.
Hark her cry;
The dark leaves lie
In the blood of the new-shorn.—
Bone, and root, and yearling's blood,
Curdle round the wounded sod:—
Look, Hecate, while the night-bird screams,
Wake for us the world of dreams."

'And whether it were from the hideous croaking of the voice in which these strange words were sung, or from the squalidness of the scene and the persons before me, or from some infection of the terror with which Dromo was sensibly inspired by what he saw and heard, this indeed I know not;—but it is certain that I did not hear out this haggard creature's chant without some feelings, I shall not say of fear, yet without question, of a very unpleasing nature. The wildness of the gestures of the old woman was such, that I could not doubt that she herself had some faith in the efficacy of the foul and cruel charms to which she had resorted; nor could I see her stirring that trench of innocent blood, without remembering, with an instinctive horror, the still more ruthless charms, whose practice the poets of Italy have ascribed to such hoary enchantresses. The dreariness of the midnight wind, too, as it whistled along the bare and sterile soil around us, and the perpetual variations in the light, by reason of the careering of those innumerable clouds, and the remembrance of the funereal purposes, for which, as it seemed, all this region was set apart. The whole of this together produced, I know not how, a certain pressure upon the spirits, and I confess to you, I felt, as I was kneeling there by the side of the Cretan, as if I owed him no great thanks for having brought me that night beyond the Capene Gate. Here, however, I was, and there was no escaping without seeing the thing out. I therefore nerved myself as well as I could, and, returning the pressure of Dromo's hand, continued to keep my eye fixed on the mysterious group before me.

'It seemed as if the goddess, to whom the witch's song had been addressed, did not listen to it with any very favorable ear; for the outward sign at least, for which it had petitioned, was so far from being granted, that, in the conclusion of the chant, the clouds gathered themselves over the face of the planet more thickly than ever, while, instead of any atoning gifts of revelation, the wind howled only more loudly than before among the tombs and the grass, and the half-scared owl sent up a feebler and more uncertain hooting from her melancholy roost. In spite of all this, notwithstanding, the old woman continued, so far as

we could see, in the same attitude of expectation with which she had concluded her song, and the poor stripling, her attendant, still held the well nigh drained throat of his murdered lamb above the abominable trench. By degrees, however, the patience of both seemed to be exhausted; for there arose between them an angry altercation, which shewed that each was willing to throw upon the other the failure of the common incantation.

"Infernal brat of Hades!" quoth the witch, "look ye, if you have not stained your filthy hands, and if the thirsty shadows be not incensed, because you have deprived them of some of the sweet blood that they love!"

"Curse me not, mother," replied the boy; "curse yourself, if you will: for any body might have known, that the beautiful moon would rather never shine any more, than shine upon such a wicked woman as you. Did you think, in truth, that the blood of a stolen lamb would ever propitiate Hecate? I am but a boy, and yet I told you better."

"Imp of Alecto!" quoth she, "execrable spawn of all the furies! Hold thy peace, foul thing, or I will try whether no other blood may make the charm work better!"

"Beware, beware!" quoth the boy, leaping backwards, "beware what you do! Remember, I am no longer so weak that I must bear all your blows." And as he said so, there was just a gleam of light enough to shew me, that he brandished above his head the bloody knife, with which he had slaughtered the victim at the witch's bidding.

"A curse now upon thee!" continued the witch, stamping her foot furiously, without however over-stepping the trench that separated them—"A foul curse upon thee! and a foul curse since I am bid to say so, upon the womb that bare thee! And I would curse the loins that begat thee also: but that were needless, for the sea is deep, and the strong hounds of Father Ocean will keep what they have fanged."

"Ha, ha, mad mother," quoth the boy, (and I know not whether I ever heard any sound so hideous as that laugh of his;) "say you so, mad mother of mine? and so also will the strong hounds of old mother earth."

'And at that moment the moon shone out again once more from among the lucid clouds, and I saw that two of those lean dogs, such as I had observed before in that region, had come close up to the woman, and were already beginning to lap the blood from out the trench before her eyes. And then it seemed as if all the wrath she had before manifested, were but as nothing; for instead of doing any thing to scare them from their feast, she sat down beside them, and wrapping her long cloak once more around her, began to curse, in her madness, the very power to which her pray-

ers had been addressed; and the low steady tone in which she now poured forth her imprecations, appeared to me a thousand times more fearful than the previous loudness of her angry screaming.

"Ay," said she, "look forth now from thy cloud,—look forth now, beautiful moon, and listen, if thou hast hearing as well as light, to the foul tongues that are lapping the blood of thy sacrifice! So be it with all the blood that is ever henceforth shed for thee! So fare it with all that ever put trust in thee, false, accursed Hecate; for though thou ridest high in the blue heaven, yet hell is thy birthplace, and hell holds no dæmon falser than thee, beautiful, accursed, execrable moon! A curse upon thy false smiling face! May the steam of the hot blood they are drinking, arise up and blot thee out forever from the face of the sky! Set quickly in darkness, false harlot moon, and console thee in Tartarus, with the ghost of thine Endymion!" And she also concluded her cursing with laughter as full of scorn and rage, as that of her boy had been of savage triumph and delight. And then she arose again from the ground, and stooping over the trench, began to caress with her hands the lean dogs, that had by this time well nigh lapped up all the blood.

"Ha, ha! pretty pets of mine," quoth she, in a fondling tone, "would it not have been very hard to deprive you of your feast! Bones enow! I warrant me, have ye picked already, since the sun, whose light ye hate, went down, and the moon, that is so dear to us all, began to shine among the tombs of these proud Romans; and why should ye not have wine, and the strongest and richest of wine too, to wash down your banquet withal? Drink on, pretty creatures, and quaff deeply, and then ye shall have sweet slumbers in some lordly cemetery, which it were foul shame to leave for the habitation of the dead alone. Sweet slumbers shall ye have, in spite of all the haughty Manes that may shudder at your presence; and ye shall rub your crimsoned chops upon the finest urn of them all, and the brigtest of their eternal lamps shall keep watch over your heavy slumbers.—Drink on, sweet lips, and drink deeply, and leave not a single drop behind you; and be sure you salute yon high-sailing, chaste, proud Dian, with a thankful howl, ere you creep to your resting place." So saying, she turned once more to the boy, who stood shivering over against her. And "what?" quoth she, (again resuming her angry tone) "what is this foul pest? and why is it that thou darest to stand by there with that ideot face of thine, while I am cherishing my darlings? Have at him, pretty dogs, have at him!—Tear him life and limb, and see whether his blood be not the sweeter of the two."

'And then with hissing and grinding of her teeth, and furious clapping of her bony hands, she strove, as it seemed to the utter-

most to excite the obscene creatures against the boy; and they, crouching with their bellies on the ground, and wagging their tails, began in truth to howl upon him terribly, while he, knife in hand, seemed to fear and to prepare him for the onset.

'But when one of them did crouch nearer, and appeared to be really on the point of springing upon the lad, I could no longer refrain from calling out; and "stop," said I, "cruel woman, for there are eyes that you think not of, to take note of your wickedness—stop, and call off your bloody dogs, and stand upon your guard, boy, and be of good courage." And at the same time, I hurled down one of the great loose stones that were on the top of the wall, which rolled on and bounded into the ditch beside them; and the dogs, hearing the sound of the stone, immediately crept away yelping, and the old woman, huddling her cloak over her head, began to run swiftly away from us, along the wall over which we were leaning. The boy only stood still for a moment, and looked upwards towards the place where we were, and then he also fled along the shade of the wall, but in the opposite direction from that, in which Pona was running.

'And Dromo, whose teeth were chattering in his head, said to me, in a very piteous whisper, but not till all of them were quite out of sight,—"Heaven and earth preserve us! was ever such madness as yours, to scare the witch from the place of her incantation, and to hurl a stone into the consecrated trench? Alas! for you and for me, sir,—and, most of all, alas for Sextus—for I fear me after this, we shall have no luck in counteracting the designs of Rubellia."' vol. ii. pp. 147—161.

This night's occupation, however, did not terminate for Valerius with witnessing the incantations of Pona. The company of christian believers, to which Athanasia belonged, had assembled by stealth to celebrate their sacred rites, in the monument of the family of the Sempronii. Having sat down upon the steps of this monument without, he drops asleep from the effects of the fatigue and exertion of the day, and is soon awakened by an armed person, who compels him to enter the tomb. This person was the leader of the party of persecuted christians, who were celebrating their sacred rites under cover of darkness, in the mansions of the dead. But though professedly and apparently the chief of the christians, this person—Cotilius by name—was a designing intriguer, who under pretence of a conversion to the new faith, had no other design, than to make use of the daily increasing influence of the christians, to effect a revolution in the state. Information of his intrigues and of his designs had been conveyed by spies to the

government: the motions of himself and of the party of christians had been watched; and at the moment in which Valerius had been led into their assembly in the manner just described, a party of troops conducted by Pona, who had served as the spy of the government on this occasion, arrived at the tomb of the Sempronii; and the whole party, including Valerius, who had thus undesignedly joined it, and Athanasia, who was one of the christian worshippers, was hurried off to different prisons. On their way to their respective places of confinement, Valerius is recognised by his old friend Sabinus, the centurion, by whose good offices in conjunction with those of other friends, he is immediately liberated Athanasia is conducted to the Mamertine prison, of which the vaults still remain in unimpaired strength and dreariness, as when Jugurtha descending into them to his death, exclaimed, 'ye have a cold bath, Romans!' Cotilius, the traitor, was also conducted to the same prison, and was speedily executed within its courts. Athanasia is reserved for a more formal examination, by the emperor himself. She is saved by the courage and sagacity of Silo, the gaoler of the Mamertine, himself a convert to the christian faith, (who with the aid of Valerius, and of the access to the palace which his office as goaler and his acquaintance with the secret passages of the edifice give him, succeeds in rescuing Athanasia,) and after some other interesting adventures escapes to the catecombs, the well known refuge while living, and cemetery when dead, of the early christians, and finally embarks with Valerius to Great Britain. Such is the conclusion of the story, of which the interest languishes a little toward the close. Before putting an end to our own notice, however, we cannot but lay before our readers another extract, in which a most extraordinary procession or pageant in honor of Cybele are described with a broadness approaching to caricature, but with great spirit and effect.

'So singing, they had not advanced much beyond the spot where we were standing, ere they stopped of a sudden their hitherto rapid dance of progress, and placing the chariot and image of Cybele between the pillars of one of the porticos that run out into the street, began a more stationary and solemn species of saltation, in front of the sacred emblems. When they had finished this dance also, and the more stately and measured chant of supplication with which it was accompanied, the priests then turned to the multitude, and called upon all those who reverenced the Didy-

mæan mysteries, and the awful powers of their goddess, to approach her image and offer their gifts. And immediately, when they had said so, the multitude that were beyond formed themselves into a close phalanx, quite across the street, and torches being conveyed into the hands of such as stood in the foremost rank, there was left forthwith in front of the image and of the priestly attendants an open space brightly illuminated, for the convenience, as it seemed, of those who might come forward to carry their offerings to the foot of the statue. And, indeed, it appeared as if these were not likely to be few in number; for the way being quite blocked up by those torch-bearers, no one could hope to pass on easily, without giving something, or to pass at all without being observed. Not a few chariots, therefore, and litters also, having been detained in consequence of the crowd upon the streets, the persons who were seated in these vehicles seemed to be anxious as soon as possible to present their offerings, that so the path onward might be cleared to them, by command of the priests. It was necessary, however, as it turned out, that each person in advancing to the chariot of Cybele, should imitate the dancing motions practised by the Galli themselves; and this circumstance, as may well be imagined, was far from being the most acceptable part of the ceremony to some of those who had thus been detained. A few of the common sort, both men and women, advanced at once boldly into the open ring, and, with great appearance of joy, went through all the necessary gesticulations. But at first, none of the more lordly tenants of the chariots and litters seemed to be able to prevail on themselves to follow the example.

'At length, however, the impatience even of these dignified persons began to overcome their reluctance; one and another red-edged gown was seen to float in lofty undulations across the torch-lighted stage, and when a handful of coin was heard to ring upon the basin of the goddess, you may take it for granted the priests half cracked their cheeks in blowing horn and trumpet, and clattered upon their great tamborines, at least as violently as if they had made prize of another Atys. But how did the centurion chuckle when he observed, (for we by this time had squeezed very near to the statue,) that one of the next chariots was no other than that of Rubellia herself, and perceived that she and the Stoic were now about to pass onwards like the rest, at the expense both of giving money to the lions of Cybele, and of exhibiting their agility before the eyes of all that multitude.

"Jove in heaven!" cried he, "I thought the garden scene was all in all; but this beats it to atoms! Behold how the sturdy Thracian tucks up his garment above his sinewy knee, and how nodding to the blows of the tamborine, he already meditates within himself the appropriate convolutions of the dance. And

the pretty widow! by the girdle of Venus, she is also pointing her trim toe, and look ye! better and better, do you not see that she has given her veil to the Stoic, that so she may perform the more expeditely?"

"I see it all," said I, "but do speak lower, dear Sabinus; for to be sure they would neither of them poise themselves half so gracefully, if they thought we were observing them."

"Hush," quoth he, turning his head another way, "I suspect the Stoic's eye has already caught us."

'Hearing this, I should of course have looked, after the example of the centurion, in another direction; but I know not if you have experienced what I have often done, that, as if under the influence of some serpentine fascination, one's eyes are in such situations extremely apt to rest themselves just on the object which most of all they should avoid. And so it was with me; for instead of looking away, I perversely directed my eyes right on the philosopher, who was so near that he could not possibly mistake me, or dream of my mistaking him for any one but himself. And he also, perhaps, fascinated like myself in the style of which I have been speaking, although it was too evident that the sight of me was extremely unwelcome, appeared, nevertheless, to be constrained to keep his optics fixed on me,—insomuch that I could not refrain from saluting him, to which he replied by a very low bow, and an unfortunate attempt towards a smile of courtesy. The widow, who could not help seeing what passed between us, saluted me also, but with an air of considerable confusion, for the blood mounted into her face, and suffused, for a moment, with deep crimson, both her neck and arms; and altogether, it was manifest that our recognition of her, in such a situation and in such company, had affected her with much perturbation. The centurion, however, who had by this time turned round again, no sooner saw the ice was broken, than in he plunged with a volley of dashing compliments—betraying in nothing either surprise, or any extraordinary species of feeling, beyond what is common when acquaintances chance to fall in with each other fortuitously. "All hail," said he, "fair lady! and all hail most reverend friend Xerophrastes! what a beautiful moonlight evening this is? Come, no shyness, old cock of Hymettus; foot it way, foot it away, man! The lady will never have courage if you don't give her your hand. Come now, and remember, my good friend, that even although you be a Stoic, you are an Athenian into the bargain. Come, polite sage, hop on, and convince us that philosophy has not quite washed out your original urbanity and elegance."

'There was always so much good nature in the manner of the worthy centurion, that it was almost impossible for any one to be offended even by his sarcasms. His broad ruddy face seemed made

for the very habitation of smiles: his lips were even wreathed with benignity, not to be mistaken; and the tones of his voice were so rich and easy, that Thersites himself would not have dared to suspect them of malice. Yet, Xerophrastes, on this occasion, appeared to be by no means delighted with the style of his salutation. A frown passed very darkly over his forehead, and he turned to the blushing lady with an air of the highest impatience. She on her part, although she was probably far from deriving any pleasure from what had passed, had the wit to disguise, in some measure, the feelings of her mind. She cast, therefore, a smile of airy and good-humoured rebuke (such at least it was designed to be) upon the mirthful centurion, and said, "Come, Sabinus, methinks it might become you better to offer me your hand yourself for this sacred dance, than to play off your jokes so upon Xerophrastes, who cannot help himself any more than the rest of us. Come, centurion, I insist upon having your company." "My dear lady," quoth the centurion, advancing close to Rubellia, "you well know that my services are always at your disposal; but it seems to me that you are already engaged for the dance; and I am sure you will break the heart of Xerophrastes, if you disappoint him, now that he has tightened his girdle, and tucked up his mantle, and made so many preparations. No, no; the luck is his for this time; don't let him be deprived of it. You see how conscientious I am, my dear Stoic; no more words I pray you. Lead forth your fair partner; and Valerius and I, since we can do no better, shall follow in your train." Xerophrastes heard all this with a countenance but little mollified. He turned, however, once more to the lady; and then forcing another smile, and gathering up the folds of his garment, no longer hesitated. She gave her hand, therefore, to the sage, and both catching the beat of the instruments, forthwith sprung into the open place, and advanced with the usual motions towards the statue of the goddess. There was a good deal of constraint, it is not to be denied, in the manner of the lady; yet on the whole, she acquitted herself in a style that bespoke her familiarity with all graceful exercises. But it was far otherwise with the stately disciple of the Porch, who, although he displayed brawny limbs, and abundance of agility after a fashion, yet executed every movement in a way so unequivocally rustic, that not a few of the youthful bystanders were not to be restrained from tittering when they contemplated his clumsiness.

"Well done, well done," quoth one.

"The rhetorician for ever!" cried another, clapping his hands.

"Take care, Master Philosopher," said a third, "your mantle is sweeping up all the dust."

'Xerophrastes hearing this last ejaculation, could not help

looking behind him, to see as to the condition of his garments; and then the titter became universal; for the truth is, he had drawn them up very tightly, and indeed much higher than was necessary, even for the full exhibition of his limbs. With less than Stoical equanimity did he regard the crowd of laughers behind him; and of truth, the last part of his dancing was yet more awkward than the first. The munificence of Rubellia, however, gained to her all the applauses of the sacred functionaries. The tiaraed heads were bowed in reverence before her; and she and her companion, after having deposited their contributions, were cheered out of the circle with a most cordial peal of drum, horn, and trumpet.

'While this peal yet continued in all its vociferation, the jolly centurion touched me gaily on the elbow, and saying, "Now for it, Valerius; have you your sesterces ready," leaped forth with a most warlike and determined air, having his hands stuck in his sides, and causing the folds of his sagum to vibrate in a wonderful manner, by the potent exercitation of his well-strung muscles. The contrast between the reluctant clumsiness of the sulky philosopher, and the ready, and well satisfied hilarity of his successor, was by no means lost upon the multitude of spectators; insomuch, that the very first appearance of the new performer was greeted by an universal clapping of hands and every other manifestation of delight. Instead of being offended by their mirth, the Prætorian distributed his smiles on every side; and observing a buxom young woman in one corner, who seemed afraid to trust herself before so many eyes, he without interrupting his step, took her gallantly by the hand, and so performed the rest of the dance in a manner which yet more increased the satisfaction of all who were looking on it. The girl had a few pence in her hand; but the centurion would not permit her to pay any thing, laying down himself a double ransom, and saying, perhaps rather too audibly, "No, no, pretty maid; you have given enough to the goddess since she has beheld your blushes." The maiden's blushes were not probably diminished by all this courtesy from a person of such a figure; but, however that might be, even the priests of Cybele were well pleased with the centurion, and I think that his good humour procured for him a parting salute, not much less violent than had been purchased by all the magnificence of the widow. I know not what it was, that all this while kept me back; but I could not at that moment, when Sabinus began, gather confidence to begin with him; and then his dancing attracted so much notice, that it would have been a sort of intrusion, had any one entered to occupy the space till he was done with it. I waited, therefore, in hopes of being able to go forth with some more ordinary group of performers; but no such opportunity immediately

occurred. One of the next that exhibited himself, was a very red-nosed senator, whose gestures threw even those of Xerophrastes completely into the shade. He appeared to be laboring under the relics of a grievous gout, for he had his feet wrapped round with I know not how many folds of linen, and whenever he essayed to spring from the ground, one would have thought he had trodden upon some nest of aspicks. His hands meanwhile were held far out from him, and clenched bitterly, and at every successive bound I could see him grinding his teeth for agony. Whether it had been so, that the man was well known among them, I cannot say; but if it were so, his character must certainly have been held in little favor by the multitude; for to every sardonic grin of his, the faces round him replied by shewing all their teeth; and one of the little boys, following close at his heels, was not withheld by any respect for the laticlave, from imitating all the gestures both of his infirmity and of his ill nature. I took it for granted, that he must needs be some greedy and usurious old extortioner; and, indeed, the offering he deposited neither sounded very loudly on the basin of the goddess, nor received any great marks of thankfulness from the music of the priests.' vol. iii, pp. 36—60.

The foregoing remarks and extracts will give our readers a tolerably accurate idea of the work. In many parts we think the hand of a first rate master may be traced, and much learning and power are visible throughout. There are other pictures of Roman life, besides those we have mentioned, and equally well hit off; among these the prætorian camp, and the funeral exposition and the marriage. Among the sketches we should have been glad to have seen retraced, are those of a triumphal procession and the funeral array of images.

Art. XXI.—*State Prisons and the Penitentiary System vindicated, with observations on managing and conducting these institutions, drawn principally from experience. Also some particular remarks and documents relating to the Massachusetts State Prison, by an officer of this establishment at Charlestown.* S. Etheridge, Charlestown, 1821. pp. 63.

There is no object of legislation, in this country, that excites more various opinions, than that of the penal code, and the system of punishment to be adopted under it. At the

same time, there are few departments of civil government that are more firmly established in a certain course of proceeding. The amelioration of the criminal law has been introduced into all the States, and though there are differences in the details, the general principles are perfectly assimilated. Nothwithstanding, however, this general practice, dissatisfaction every where exists, and the complaints against the penitentiary system seem to demand a change in our plan of punishment. Believing, however, that imprisonment and compulsory labor, are the only means, with the exception of death for very atrocious offences, expedient or practicable in this country, for the prevention and punishment of crimes; we shall briefly advert to some of the causes, that make many persons doubt the utility of this system, and endeavor to show that the fault is not in the system itself, but in the imperfect manner in which it has been executed.

In the first place, too much was expected from the penitentiary scheme. Some benevolent men, disgusted with the cruelty and barbarity of the old modes of punishment, and very justly considering them as not only increasing the quantity of crime but the ferocity of the criminal, were led to hope too much from a milder and more enlightened course. When they found convicts, condemned to hard labor, becoming submissive and orderly while they were treated with humanity, they anticipated a thorough reform, whereas in most cases it was only a yielding to necessity, or a hypocritical demeanor to obtain a pardon; while in too many instances the first use that was made of liberty was to commit some new offence. Cases of this kind, were held by those who think it a proof of wisdom to believe the worst of mankind, to be not only more numerous than they really were, but to afford incontrovertible proofs of the folly of attempting to reclaim any offenders. The one party would array justice in the garb of a methodist and expect with the aid of labor, solitude, tracts, and lectures to eradicate the most deep-rooted and brutal perversity; the other would not call down Astrea from heaven, but conjure Tisiphone from hell, and surround her tribunals with the gibbet, the block, and the stake, the lash, the brand, and the wheel. There can be no hesitation which side to take; yet the former carry their expectations to a visionary extent.

Another source of error has arisen from confounding establishments in other countries, that were entirely different,

with those in this country, because they bore the same name. This often leads writers on both sides the water into great mistakes. Thus it was brought as an argument against a bankrupt law in the United States, by some persons, that under the insolvent law in England, which is applicable to a wholly different class of persons from the bankrupt laws, that the insolvents had been discharged from debts to the amount of several millions sterling, and the whole amount of dividends was not one farthing in the pound. Some persons in Europe have been led into mistakes from our names of penitentiaries, which are entirely distinct from establishments of the same name in Europe.* They are nearly as different as our State prisons, and the State prisons of Europe. Penitentiaries in Europe are a kind of improved bridewells. They are used for juvenile delinquents, or for convicts for a first offence; in whose case there may have been some peculiar distress, or seduction, to have induced the offence, and where the depravity does not appear to be hopeless. No person here need be informed, how unlike such prisons are to those of the same name in this country; but we shall presently have to advert to the difference.

But the great mistake has been, in supposing we possessed what we did not. In point of fact, the true penitentiary system never has existed here but for very short periods. When the State prison of Philadelphia and some others were first established, and placed under the care of zealous and humane men, who were anxious that the success of a milder code might forever prevent a recurrence to the sanguinary principles of the ancient law; and while these prisons were sufficient to contain their tenants, with some regard to classification and some power of separation; and before the absurd contradiction in terms existed, of sending an offender for the *second* time to a *penitentiary*, the system was for a short time in such force as it exists in Europe. So far, indeed, as the system

* A particular instance of this fell within the knowledge of the writer of this article. Mr Roscoe, of Liverpool, published about two years since a work entitled 'Thoughts on Penal Jurisprudence,' in which, deceived by this name of penitentiary, he considered certain parts of an official report made to the legislature of Massachusetts, as very erroneous. This induced the writer to address him a letter, which produced a correspondence and full explanation of the subject. Should that enlightened philanthropist chance to meet these pages, he will perceive a repetition of some few sentences of that correspondence, and that the present article is calculated to fulfil one of his wishes.

calculates on the reform of criminals with a view to their discharge, the original intention of the law was different here; because there were some heavy crimes punished with perpetual imprisonment instead of death, so that the idea of pardon in this world was never entertained.

Whatever may be the experience of other countries, we have no right in the United States to declaim against the penitentiary system, since it never has been fairly essayed in this country. If our State prisons have not produced all the good effects that have been expected, it is not owing to the nature of these institutions, but to the improvidence of the several legislatures in not preparing adequate room for the number of convicts. The prison of Philadelphia was not originally constructed for this purpose; yet it was successfully administered, until the increase of criminals and the refusal of the legislature to build another prison, so accumulated the convicts, that all possibility of classification and separation was destroyed. It was worse in New York—the prison, originally intended for three hundred, afterwards contained more than double that number, and when we visited it a few years since, a large part of the convicts could not be employed for want of room, and some of the best of them were 'pardoned out' every month, for no other reason than to make way for new convicts, that the course of justice might not be impeded by the want of room to execute its decrees. This is now remedied in New York, by the establishment of an extensive bridewell, and the erection of a new prison in the western district of the state. Pennsylvania is building a large prison, expressly adapted to the purposes both of labor and seclusion. In Massachusetts, partly by a change of the law which sends youthful offenders, or those convicted of lesser crimes to labor in county prisons, partly by the separation of Maine, and partly, as we apprehend, by some diminution of crime;* the prison is becoming more adequate to its purpose, and with some moderate additions, would fully answer all the designs of punishment by hard labor. The same difficulty of want of sufficient room

* The crimes punished by imprisonment at hard labor have decreased: in November 1818, as stated in the pamphlet under consideration, there were in the prison at Charlestown three hundred and eighty-three; from a recent inquiry, there are now (September 1821) two hundred and seventy-nine. The crimes on the contrary punished with death, such as murder, mail robbery, &c. have very considerably increased: an increase, however, which we are inclined to believe temporary and accidental.

for separation existed in the Maryland penitentiary; as it does probably in that of Richmond, though of this latter we cannot speak from personal examination.

With such deficiency of room, it is absurd to attribute the defects of these prisons to the system itself, and deny its utility altogether. What could be expected from establishments where separation and cassification were impracticable; where the convicts were so crowded, that they could not be made to work apart, and some of them could not be employed at all, and where they were confined at night ten, fifteen, twenty, and even more in one room? Too sanguine expectations of general reform have been entertained by some persons, and the failure of these has led others to distrust the system entirely. But if, with all the disadvantages they at present labor under, some instances of reform have taken place, it is certainly justifiable to expect that more frequent instances of it would occur, if our prisons were sufficiently capacious, and properly distributed to effect their objects. In this country, where a man can rarely be driven by absolute distress to the commission of crime, there is less room perhaps to hope for reform under the penitentiary plan, than in less fortunate countries. There seem to be some beings destined by the strongest natural propensity to pursue crime from inclination and preference; as there are others, who are constantly impelled to benefit their fellow-men, by the greatest exertions of genius, or the widest feelings of beneficence.

Though confinement to hard labor must be our only mode of punishment, yet it may and ought to be divided into different establishments; one of which should be exclusively for juvenile offenders, and all convicts for the first time and for the lighter kind of offences; this might be called the penitentiary. The other establishment should contain only criminals condemned for heavy crimes, or such as shewed themselves to be hardened in guilt, by the commission of a second crime; this might be called the State prison, from whose tenants reformation would seldom be expected, and to whom pardon should be most rarely extended. Such is the only plan of punishment which we believe can be permanently adopted in this country; and to prove this position negatively, we shall briefly examine some of the other schemes that have been suggested.

In the first place, transportation has been frequently recom-

mended, and the spots that have been named for this purpose are the Columbia river and an island in Lake Superior. We shall pass over some difficulties about the jurisdiction—whether the government of the union is to become the goaler, and receive the criminals from all the States, be at the expense of transports, and maintain a large force to guard them—or whether each State is to acquire a piece of territory and take charge of its *depot*; both these alternatives are too obviously absurd to require consideration. But suppose this difficulty overcome, suppose such a precious *depot* established to keep the criminals securely; it will require an expense that will hardly be endured in this country, where we watch public expenditure so closely; and even after all this expense, these exiled convicts will be continually escaping, and finding their way back to their old haunts. They contrive to get back every year from Botany Bay to England, though it is under penalty of death, and so much more difficult, than it would be in either of the places proposed in this country. They must be furnished with the means of subsistence and protection against the savages, or you will do an act of inhumanity, that is not and never will be authorized by law. The policy of transportation is every way questionable; in the case of atrocious criminals, it is wholly unjustifiable. Perhaps in Europe the surplus of a crowded population, who are driven to the commission of some petty crime to avoid starvation, might be taken from penitentiaries and transported with some hope of their being purified, and willing to labor in a new country; but, after all, it is a miserable kind of materials for new settlements. It is inexcusable in any nation to resort to it, until the accumulation of distress, and petty offences in consequence, have increased to an inconvenient and alarming degree. Transportation is, of all modes of punishment, the most costly, and of little importance in deterring the unprincipled from crime, as they do not see the punishment. It would cost us twenty times as much to punish our convicts in this way, as it does now in the State prisons. We hope that this country will never resort to it. The bleak and wintry regions of Lake Superior will doubtless preserve some island in desolation for the use of posterity, if they shall choose to make use of it; but we trust, that we shall find in a very few years, on the banks of the Columbia, a settlement of virtuous, enterprising men, who will gradually diffuse over the vast uninhabited coasts of the Pacific,

our language, with our principles of education, religion, and liberty.

There has been another proposal, that they should be made to labor in chains, in digging mud or on the highways; that their appearance would excite horror, and thus operate more powerfully as an example. To this plan there are various objections; the first is the expense; they could do but little labor encumbered with chains, and they would require a great number of guards to make them do their task, to prevent their conferring with their accomplices, and making their escape, which would be much more easy. Yet the expense is the slightest objection. Not only men of elevated, generous feelings, but even merely prudent men, would be cautious at shewing the slightest disrespect to honest labor, however humbly engaged; and would not there be some danger of this, if criminals were to be placed near honest men, engaged in the same toils? What influence would it have in this quarter of the union, where the citizens tax themselves and take a pride in laboring voluntarily to keep their roads in repair, if these condemned catiffs were to be employed in the same occupation? No man, who has ever seen the squalid, horrible, desperate galley-slaves of Europe, working in chains on the highways, under the care of armed guards, would ever wish to introduce such a spectacle here; and every man, without having beheld such sights, would be convinced after a little reflection, that they are wholly unsuitable to a free country, and would be an outrage to the humane and moral principles of our community, that would not be endured.

But the remedy for the evils of the present system most frequently suggested, and most strongly confided in by some persons, is, to restore the good old system of flogging, branding, pillorying, gibbeting, &c. &c. Now without admitting for a moment the possibility of such a return to ancient barbarism, such a retrograde step from civilization, let us examine a little into the operation of such punishments, and see whether in point of utility as to diminishing the amount of crime, they will bear a comparison with the modern system of labor and seclusion, imperfect as these latter may be. By the old code, a convict for a small crime was punished with imprisonment and whipping. As to imprisonment, which, under that system kept the prisoners rotting in idleness, we presume that it will be admitted by every one, that whilst the prisoner is incarce-

rated, it is better that he should be kept at hard labor; the old method of simple imprisonment, which formed a part of the sentence of every criminal, we shall therefore consider as abandoned even by the most strenuous advocates of the old laws, and we shall only speak of the personal inflictions. To commence with whipping, not to dwell on its inconsistency, under a free government,* what is the effect on the criminal who has committed some offence for which he is sentenced to hard labor for two years? In former times he would have been imprisoned a shorter period and receive fifty lashes. After being openly exhibited as a spectacle of the lowest infamy, with a smarting back and famished belly, he is turned loose, to do what?—to find employment?—who will give it to him? —no, smarting with infamy and shunned by every one, he must commence his depredations, with increased brutality of feeling. If he should be confined at hard labor for two years, he will at least have been kept from mischief during that time, he may, as some have done, see the folly of his course, and coming out with less notoriety of infamy, he stands a better chance to procure some employment, if he has a disposition to be honest. But in this case of corporal inflictions, we have only taken the first stage, which presents the least difficulty. The convict who has received fifty stripes for a first offence, commits a second; there must be some gradation in the sentence; fifty lashes were not sufficient, he must take a hundred. But his chance for employment is no better, he must live, he is brought forward a third time—there must be some proportion in the punishment, he is sentenced to five hundred lashes—but this becomes torture, and it is in vain to propose it; no legislature in this country would listen to it for a moment. Now by the present system, the same criminal for his second offence might have been sent (at least in Massachusetts) to the state prison for ten years; if he survived this and became guilty a third time, he would be sent there for life, be made to labor for his subsistence, the public would be safe from his depredations, without having his back or their feelings, lacerated by the infliction of torture.

One striking advantage to the public by the labor plan of punishment, and which seems hardly appreciated, is, that the culprit being shut up for a length of time, at least during that

* See Dagge's Criminal law, vol. 2. p. 177.

time, the public are protected from his depredations. Supposing even, that he could be made to earn nothing during his confinement, it would be a saving to the community. If a neighbourhood were infested with a wolf that kept them in continual alarm, and whose indiscriminate ravages might do them the greatest mischief, would not the inhabitants prefer feeding him with even merino sheep, if he could be shut up, rather than run the risk and feel the anxiety, of his midnight prowling?

To return to the other inflictions that accompany the whipping system, the pillory, the branding irons, &c. these must be resorted to where whipping alone is not enough; but we think it useless to discuss these portions of exploded barbarity, which a virtuous and humane people will never again suffer to be exhibited among them, and shall offer only one remark on the cruelty and stupidity of the practice of branding, a genuine relic of the dark and ferocious ages. We ask what can be more cruel and stupid than this punishment, if the criminal is ever to be set at liberty, and what more superfluous, if he is not? A wretch is discharged with an indelible mark, to warn every human being against him, to inspire horror at his first aspect, and to condemn him inevitably to become a desperate outlaw. The only excusable pretext for it would be, when applied to atrocious criminals condemned for life, so that they might be known every where if they made their escape; but this purpose may be effected in other ways without resorting to this brutal expedient.

There are some persons who think that the ameliorated code does not inspire sufficient terror, and that there would be fewer crimes if there were more executions. Nothing can be more mistaken than this opinion, and no one position in relation to this subject more capable of being proved by facts, than that crimes have been most abundant in those countries where sanguinary inflictions have been most frequent; that violent crimes have decreased in proportion, as capital punishments have been diminished; and that so far, as the fear of punishment can operate to prevent the commission of offences, it is the certainty and not the severity, that produces the effect. It is also absurd to talk of multiplying executions, in the present state of public feeling; it is useless to recommend hanging criminals for theft or forgery, when the repugnance to capital punishment is so deep and universal, that even in

a clear case of murder, there is always some solicitude lest a jury should not have firmness enough to bring in a verdict of guilty. The feeling against the punishment of death is very strong, and the class of persons who hold that human tribunals have no right to take away the life of a man in any case, whether they be wrong or right in their opinion, is certainly increasing.

Reflecting minds will not fail to perceive, that this sentiment against all violent and brutal chastisements, and all executions, has a much wider scope than the mere consideration, about a few guilty wretches who have perpetrated atrocious crimes. Those who are opposed to taking away life in any case, assert that perpetual incarceration, with all the privations that may be made to accompany it, is the most severe of all punishments, and far more dreadful than any that can be directed against life and limb :—that violent punitions were the invention of barbarous ages, and were calculated to perpetuate the spirit they harmonized with :—that a thorough feeling of religious humility, and a proper reverence for Almighty Providence, forbids the destruction of what he alone could create : that the exhibition of every act of violence engenders harsh and ferocious feelings, and when this is exhibited under the formality and sanction of the laws, its influence is more deleterious, than even the sudden effects of private passion :—that the infliction of stripes, torture and death, even on the most odious criminals, has a direct tendency to degrade human nature :*—that the abolition of capital punishments is of far other importance, than the life of a miserable convict which may be almost wholly worthless ; that in getting rid of all these acts of legal vengeance which cut off criminals in a violent manner, you raise the value of human life ; and the ultimate tendency of the system is, to discourage war and all the forms of

* " A cruel criminal code is the parent of *pusillanimity*. A nation broken to cruel punishments becomes dastardly and contemptible. For, in nations, as well as individuals, cruelty is always attended by cowardice. It is the parent of *slavery*. In every government we find the genius of freedom depressed in proportion to the sanguinary spirit of the laws. It is hostile to the prosperity of nations as well as to the dignity and virtue of men. The laws which Draco framed for Athens are said emphatically to have been written in blood. What did they produce ? An aggravation of those very calamities which they were intended to remove. A scene of the greatest and most complicated distress was accordingly exhibited by the miserable Athenians, till they found relief in the wisdom and moderation of Solon." *Wilson's charge at a Circuit Court in Maryland in* 1791.

violence, by which human life is considered as insignificant, and to be wasted with impunity. These persons contend, that the whole spirit and the ultimate end of christianity is to banish all deeds of violence; and that the laws are contradictory to it, and infected with ancient barbarism, until their example, which has the most commanding influence, shall consider the life of the meanest and most guilty human being, as sacred, and its destruction under any circumstances, as unjustifiable.

Whatever extravagance there may be in these opinions, there can be no doubt, that their adherents are increasing in this country; and that a disposition to do away all public displays of corporal inflictions, and to lessen the number of capital punishments, is gaining ground in all countries where any principles of liberty, or any exercise of public opinion have an influence on the administration of civil government. The existence of this disposition is shewn in a variety of ways, and where the laws are not modified to meet it, a spirit will be engendered to counteract them. It is one of the highest qualifications in a legislator to be able to perceive and to guide the feeling of his age; and if his views fall behind it, he will be no more than a mere attorney or scrivener, compiling new regulations on the basis of superannuated precedents, and all his labored enactments will be practically evaded. If the public think any punishment too severe, juries will refuse to convict the criminal; and many offenders will escape from being prosecuted at all, or from being convicted if they are, when the penalties are more severe than the feelings of society require or will endure.

The progress of light in our times, however, is too vivid for many minds to meet its advance, and they turn their backs upon it to avoid being dazzled. The struggle for amelioration, is one, that demands the utmost fortitude and determined spirit of perseverance. The late sir Samuel Romilly contended through his whole parliamentary career, with very partial success, to soften the penal code of England, and diminish capital punishments. He was a great lawyer, a liberal statesman, and a most estimable man; but all his knowledge, his eloquence, and his experience, could effect few immediate changes. Yet his exertions were not thrown away, his reasonings remain and form a text-book for those who follow in his steps; they will still have to combat that bigoted adhesion to a barbarous code, which is so discordant with the present state of society,

that the practice under it has been involved in great irregularity and confusion; and there are not wanting persons who would remedy the evil by bringing back into use some of the most flagrant enormities of the ancient laws. One of the most melancholy instances of this barbarous spirit, indeed one of the most astonishing in the present state of knowledge upon this subject, is to be found in an essay upon penal jurisdiction, contained in the thirty-fifth and thirty-sixth numbers of an English journal, called the Pamphleteer, and written 'by J. T. Barber Beaumont, Esq. F. A. S. one of his majesty's justices of the peace for Middlesex and Westminster.'

In this treatise, among the punishments he recommends, are 'emasculation and cutting off the hands of certain criminals before execution:' but branding he seems to regard with particular favor, and enters into details upon it, which exhibit a mind, that in the present state of the world, we think a real phenomenon. After designating the crimes for which branding should be used, he proceeds to say: 'branding is a very efficacious instrument of punishment, though lately cast into disuse, it being certainly no comfort. It might be made serviceable for the future recognition of the criminal on the following plan.

'Let the places of session be numbered, and at each place let a registry of convictions, producing the punishment of branding, be kept.

'These two numbers should then be branded on the body of the convict, one over the other, in the manner of a fraction; he would thus carry about with him at all times, a record of his identity and former life.

'To shew at once the nature of his former crimes, should the figures become obliterated, the marks might be arranged thus: crimes of theft to be marked on the right side of the back; of fraud on the left side of the back; of lasciviousness on the right breast; of malice on the left breast. A convict doomed to perpetual imprisonment, to be marked on the forehead and both cheeks. If the marks are obliterated, or become indistinct, the executioner is to rebrand the parts, and he is at liberty to examine the convict's body from time to time, to ascertain how the fact is."

After the complacent display of honors appended to the author's name, the reader is more struck at meeting with such schemes, as these just cited. The initials of F. A. S. recalled

to mind an impression which we have somewhere received, that the being a fellow of the Antiquarian Society, is rather a recommendation with the English government, to bestow the commission of a magistrate. However that may be, we should have been strongly inclined to suspect the author, with the advantage of his Antiquarian fellowship, to have committed a little plagiarism on some unknown monk of St. Dominic, from whose black-letter invoice of torture he had taken the preceding details; were not the ideas in his essay of the same kind, too numerous to allow the supposition, that a man in his honorable situation, would have borrowed so largely, without an acknowledgment.

All these odious propositions to restore some of the most barbarous punishments of former times, though they may not emanate from a mind callous to all the feelings of humanity, yet they certainly shew great ignorance of human nature, and great inattention to the known results of experience. What can be more absurd than to suppose, that a man desperate and profligate enough to commit a highway robbery, or with sufficient malignity and ferocity to perpetrate murder, either of which he knows will subject him inevitably to death, would be deterred from the act, because his hand was to be struck off a few minutes before he was strangled? The consequence would be only a momentary suffering to the culprit, but a brutalizing effect on the spectators. This pretence of inspiring terror among offenders is directly falsified by the history of all penal codes. The same pretext was given for retaining the shocking, the execrable details in the former punishment for high treason. And though these most disgraceful barbarities have been but recently repealed, and that after a long struggle in parliament, yet there probably could not be found in that body, though there might in the society of Antiquaries, a single person to vote for their restoration.

The feeling in this country, since its independence, has been almost universal in favor of mild punishments; and even in their colonial condition, they had many struggles against the sanguinary spirit in the criminal code of the parent state. Penn prepared a criminal code, a most illustrious proof of his wisdom and benevolence, in which no crime was punished with death but premeditated murder; all his laws, however, were repealed by the government in England, but were still persevered in for several years by the colony. There

were many other attempts to ameliorate the criminal laws by different colonies. A striking case of this occurred in Massachusetts in 1762. Governor Bernard, by a message to the house of representatives of June 9th, in that year, says, that he had before him a bill respecting the punishment for counterfeiting money and treasurer's notes, passed at the winter session preceding, to which he had refused his consent, because it was not made capital; he returned it with a recommendation that they should make it capital, as was the case in every other part of the British dominions, and he should prefer not having the bill pass, unless the offence could be made capital, because the atrocity of the crime would otherwise be diminished. After some debate, the house refused to comply with his wishes. In their answer they agree with him in the atrocity of the crime, and proceed to say: 'at the same time the house are very averse to a capital punishment in any case, where the interest of the government does not absolutely require it. And as they doubt not some other punishment than death will be sufficient effectually to deter from the commission of this crime, they cannot give their consent it should be punished with death.'

The system of punishing criminals by hard labor was suggested in several of the States during the revolutionary war, and was introduced still earlier in Massachusetts. In 1765 a committee was appointed 'to make the punishment of criminals more subservient to the public interest, by altering the punishment of certain felonies, and providing a method for a public work-house, to which criminals of every part of the province may be committed who may be sentenced to hard labor.' The convicts in this state were employed in making nails at Castle William until that fortress was relinquished to the United States, when measures were taken for establishing the state prison. It was however in Pennsylvania that the penitentiary system was first methodically and successfully established. The prison of Philadelphia had fallen into such a frightful degree of abuse, that it became a terror to the inhabitants, and it was asserted that the gaolers used to send out the prisoners to commit depredations, who brought their plunder to the prison as a place of security. Some courageous and humane citizens determined on effecting a thorough reform, not only in the management of this particular prison, but in the whole system of punishment, and the success of their efforts caused a general adoption of their plan.

The criminal code of Massachusetts, in its infliction of capital punishment, holds a middle course between those codes which retain the sanguinary spirit of former times, and those which punish no crime but murder with death. By the laws of this state five crimes only are punished capitally—treason, murder, rape, burglary with arms or if any assault is committed, and arson where a dwelling house is set fire to by night. The list, indeed, may be reduced to four, for treason is a crime that never has and probably never will happen. The other four are the most atrocious and violent offences that can be committed, and occur very rarely. If they were more frequent, it would be useless to punish them with death; for excepting the advantage of getting rid of the culprit, and thereby saving the expense of keeping him in confinement, the efficacy of this punishment is destroyed by its frequency. At present, when executions happen, which is after an interval of years, a great crowd is drawn from all parts, by that love of strong emotion which actuates mankind to witness scenes of deep, tragic interest; great solemnity prevails, and a powerful feeling of awe is produced that has a lasting effect. Yet once make the spectacle as frequent, as it is in some countries, and the same indifference would be manifested, and the utility of the punishment almost destroyed. To that class of economists, and unfortunately they are not few in number, who are apt to look at this branch of legislation exclusively in reference to expense, and to calculate every thing only in dollars and cents, it may be suggested, that the hanging of one culprit costs the community in the loss of labor of the thousands who flock to behold it, a thousand times as much as it would to keep him in prison a century.

It has been already observed, that it is of the highest importance to legislators that they should possess a wide and observing mind to discern the spirit of the age in which they are called to legislate; because, after all their efforts, it is this, that will render their regulations efficient or nugatory. But besides this general and philosophical view, there are subjects of narrower consideration, where the course of things has produced changes, which it is necessary to understand in order to legislate wisely. The crime of forgery is an instance; this, in all its branches, is inflexibly punished with death in England, and in consequence parties frequently refuse to prosecute or juries to convict offenders; and yet an attempt to alter

the punishment has repeatedly failed, though probably it will be successful in the course of one or two sessions of parliament. When a bank note was a comparatively scarce and valuable possession, and when of course the inducements and facilities of forging it were infinitely less; when its promise was sacred, and before its proprietors by a connivance with the government had derived an immense profit, by refusing to redeem their promises in specie, the policy of hanging the forger might be more expedient, while the necessity would seldom happen. And in this country, though punishing forgery with death has long been abolished, yet there were not wanting persons who would punish the villany of the counterfeiter with death. Yet such persons do not reflect how different the feeling is for a bank note, in our times, not only from their numbers, but from the difference of character which they once possessed when they were infallible types of property. Suppose death were now the punishment here for counterfeiting a bank note; and between the commitment of the prisoner and his trial, the bank he tried to cheat should itself disappear under a shameful system of fraud, and rob the whole community, as some scores of these institutions have done in different parts of the country—what would a jury do in this case? It is an extreme one, we admit; but the time has gone by when the law would stake the life of a man against a bank note.

It is under the head of forgery, that the greatest number of instances occur, of offences committed under circumstances which do not imply deep and inveterate profligacy; and which might be pardoned with more safety than any other, if it were not necessary to keep alive a wholesome terror against a crime of such dangerous and ruinous tendency. But our laws, which punish it with imprisonment for various periods, according to its enormity, give a chance for the interposition of mercy, where there have been grounds to extenuate the guilt of the criminal, and when his own conduct affords a presumption that he will never repeat the offence. We will cite a few examples from the Massachusetts State prison, to shew the effects of a humane system. A very ingenious mechanic was convicted of having prepared some plates to counterfeit bank notes. He had previously borne a reputation for honesty as well as ingenuity. In committing the offence, though he knew he was doing wrong, yet it was proved that he had been

deceived in part by those who employed him, and that he had been enticed under several false pretences to prepare the plates. After being in the prison a year or more, and having shewn himself to be penitent from the first moment, he was pardoned. The man has ever since conducted himself honestly and been usefully and extensively employed. A second case was that of a convict who, on being arrested by a sheriff for debt, and about being taken from his family to a distant jail, in the despair of the moment, passed upon the officer a forged note. He had always been considered an honest man; he was sentenced to three years' confinement—his whole deportment was submissive and penitent; at the end of eighteen months he was pardoned; he returned to his family, and has since conducted himself well. A third case was that of a mechanic, in good employ and possessed of a small farm. Some counterfeiters came to him and offered to buy his farm at a high price, if he would take his pay in false doubloons; they finally persuaded him to do this under the idea that he might go down to Castine, then occupied by an enemy's force, and purchase goods with these doubloons, and not only obtain a great profit from these goods, but also do a service in cheating the enemy. It was doubtless not a very stern honesty that could be seduced by such arguments as these; but there was something specious to lead him on to sell his property for a great price. However, he lost his farm, and was committed to the State prison for a long term, or for life. After behaving constantly well for two or three years, he was pardoned, and has since been industrious and honest. Now, in England, each of these men would have been executed. We might adduce many other instances, but these will suffice to shew, that humanity is not always disadvantageous. There are too many cases where a pardon has been given to those who were unworthy of it, but certainly they are not so many as to discourage a discreet use of it. Out of fourteen hundred and seventy-one convicts who have been sent to the Massachusetts State prison during a period of sixteen years, two hundred and forty-two have been pardoned, and twenty of these have been afterwards committed again.

We often hear objections to the penitentiary system, which acquire some degree of force from being frequently repeated, though they will not bear examination. A very prevalent idea is, that the State prisons are a very great expense to the commu-

nity. Now there is probably no country in the world where the expenses attending the department of criminal jurisdiction are so low, as they are in most of the States in this union. In New Hampshire, the State prison last year paid its expenses and left a small balance in its favor. In Massachusetts, the State prison costs but six thousand dollars a year to the treasury, and though in New York, Pennsylvania, and Virginia, it demands a larger sum in proportion; yet in no instance is it exorbitant, or sufficient to weigh against the system of hard labor punishment. Some persons say that the prisoners are too well fed, that they do not work hard enough;—give them nothing but bread and water, and make them do the hardest labor. Now to make men perform excessive labor with no other food but a limited portion of bread and water, is easier to suggest than to realize. The fact is, that in all the prisons we have examined, there is no considerable error in this respect; the convicts have a sufficiency of coarse but wholesome food, prepared in the simplest manner; and if they are not allowed a certain quantity of food, it is physically impossible that they can do hard labor.

Other persons recommend a system of exclusive solitary confinement, without ever having considered its effects. In the first place, if this should be adopted, the view of the economists must be abandoned, for the criminals can perform no labor. But there are more serious objections to its adoption. It is the most dreadful of all punishments; if rigidly enforced, it would make all subjected to it maniacs, if it did not destroy them; this is not a matter of conjecture, but of experience. As a mode of correcting the convicts and enforcing the discipline of the prison, it is in harmony with the system, a most effective means of coercion, and always reduces the most obstinate to submission. A week or ten days is generally sufficient for the purpose. We were assured by the inspectors of the Philadelphia and Baltimore penitentiaries, that in each of those prisons but one instance had occurred of its failing to subdue the criminal. In each of these cases after a confinement of a month and when 'the pulse had been reduced to a cambric thread,' the criminal was still obstinate, and they were obliged to release him to prevent his perishing under it. In the Massachusetts prison there are no means for making solitary confinement perfect.

There is still another class of persons who assert, that the

State prisons are not a sufficient punishment, that criminals do not dread being sent there, and that many commit crimes expressly to enjoy the comforts of being confined in them. It might be a sufficient answer to say, that those who commit a second, third, fourth, or fifth crime, do not do it from any affection towards the State prison, any more than those culprits, who under a different system are whipped repeatedly, pilloried, and branded, perpetrate their crimes from any particular relish for those inflictions. Nor will the miserable, stupid bravado of some convicted felons, that 'they were very glad to get to the penitentiary,—that they had committed theft on purpose to be sent there,'—have much weight with those who are to legislate on these subjects; though it has sometimes been brought forward in the public prints, and in argument, as an unequivocal proof, that being condemned to the State prison inspired no dread. In answer to this, it would only be necessary to mention the desperate attempts, in the face of almost certain destruction, that have been made from time to time in different prisons to effect an escape; and that in all these institutions, the most constant vigilance is necessary, to prevent these wretches from making the most daring efforts to abandon the supposed luxuries of their situation. To effect their escape by open violence, is so nearly impossible, that the attempts in this way are comparatively rare; but it is well known to all the guardians of these establishments, that the most skilful of the convicts are always secretly occupied in devising some plan of escape, and are often engaged for months together, at every moment they can catch, in preparing furtively the most ingenious methods to effect their purpose. But there is much stronger ground than all these arguments afford, that will occur to every man on a moment's reflection. Is it not contrary to all our knowledge of human character, is it not a libel on mankind to suppose, that they can ever willingly submit to imprisonment, to coercive labor, to infamy, for the sake of mere food? If the absurdity of the supposition is not apparent to every man, let him visit one of these prisons, and casting a glance at the faces of the convicts, observe the emotion of rage, of shame, or compunction that the looks of a stranger will excite amongst these miserable criminals.

Many of the erroneous impressions as to the effects of this system of punishment have arisen from too sanguine ideas of

reforming the convicts. A portion of them may doubtless be made to feel the 'folly of their ways,' a larger number too, than has yet been brought to this result, whenever the governments will provide the quantity of room that these establishments require to produce all the good effects of which they are capable; at present we do not know of any prison of which this can be said. But, generally, they must be considered as places rather for the confinement of criminals, than for their reform; as places where they will be kept during their detention out of the way of doing mischief, as doing severe penance for the crimes they have committed, and contributing by their labor to defray the expense of our criminal jurisdiction.

A recent regulation in the laws of Massachusetts, which it would probably be good policy for the other States to adopt, will go very far to do away one of the evils attributed to State prisons; that those who were not reformed were made worse by them. We shall not in future hear of any convict being sentenced a fourth time. Out of the whole number, one thousand four hundred and seventy one, that have been sent to the State prison in Charlestown, one hundred and thirty three were for a second time, seventeen a third time, and eight a fourth time.* A law was passed two years since, providing that when any criminal sent to the prison was found to have been there before, that the attorney general should proceed against him by information, and he should be sentenced for a further term not exceeding seven years, because of his second conviction; and if a criminal should come there for the third time, he should be proceeded against in a similar manner, and should be sentenced to confinement for life. Seven convicts are now there for life under this new law. In this way, all those who are incurable will be taken from preying on the public, and having previously learned some trade in the prison, can be advantageously employed.

It is not uncommon to find men who are more ready to call for severity in the chastisement of culprits, than to consider the obligation which rulers are under to do every thing in their power in the way of prevention,† and how much individuals are called on by all the principles of policy and humanity to lend their

* See the pamphlet at the head of this article, p. 54, for several facts of this kind.

† We refer the reader for many sound and eloquent remarks on this topic to the 25th No. of this journal, art. 16, which was written by the late estimable Mr Gallison. We would also refer those who are investigating this subject to the 27th No. of this Journal, art. 13.

efforts to supply the deficiencies of the law, and to do their utmost to remedy those evils, to which their fellow men are subjected from the neglect of governments, or from suffering in their infancy all the evils that can arise to destitute and friendless children, or to those who are exposed, by the wickedness of their parents, to the contamination of brutal and infamous examples. This article has already grown so long, that we can do no more than touch briefly on one topic in the chapter of prevention; but this we cannot pass over silently, because it relates to an evil that is, of all others, the most extensive and appalling. Our readers have already anticipated that we allude to the unrestricted manufacture and sale of ardent spirits. Nothing is more common than the use of what was originally poetic language in speaking on this subject. People talk of swallowing distilled poison and maddening draughts; but these expressions have ceased to be figurative. Though we are fully aware of the mischief, though we have seen it demonstrated to be almost the sole cause of all the suffering, the poverty, and the crime to be found in this country, we still proceed without any attempt to lessen or to arrest it. We convert the exuberance of our harvests, which the bounty of Providence has bestowed, into a seductive poison, where 'the ingredient is a devil.' There is not only no restraint on the production of the article, but every facility is afforded for its distribution. Men who are too lazy to work, are allowed nearly without a check to entice others to lose their senses, their property, and their honesty in these infernal draughts. Formerly a dram could only be obtained at a tavern, but now every store, in the country, is turned into a dram shop; while in the cities they spring up in every street and at every corner. No farmer can go to purchase necessaries for his family without being exposed to the temptation; no laborer can get to his home without passing a score of these tippling houses, but for which he would have gone home sober to his family. If he passes them at first, they are sure to decoy him at last. Fatigued, thirsty, and seeing them surrounded with his companions, he may go by a few times, but he begins to enter by degrees, the practice soon becomes a habit, and he finally consumes his earnings and his strength within their pestilent attraction. Yet with all this acknowledged, this immense, and we fear increasing mischief, when a moderate tax would

be some check upon it;* a tax that would supply all the deficiencies of the treasury, and be levied upon the most noxious of all luxuries, we find the legislators of this nation shrink from imposing it, in fear for their popularity! Surely they ought to look with some pity on the wretch who has been drawn into the commission of crime through intoxication, the cheapness and facilities for which they have declined to lessen.

The chief requisite in the establishment of these prisons is sufficient room for their purposes: and as this is an expense that occurs but once, it is the most miserable policy to incur it inadequately; particularly as it does not require edifices of excessive dimensions. The expenditure is for room and strength, not elegance and decoration. The rooms in the Massachusetts State prison are all of them cells of different sizes. Their sides, roof, and floor, are blocks of unhewn granite, with an iron door and iron grate. They are, in fact, small, artificial caverns; their only furniture is a straw matrass on a wooden crib, with a bible and some religious tracts, the gifts of charitable societies. They are constantly aired, being occupied only at night, and are as clean as frequent white-washing can make them. Nothing is wanting to that prison, except a greater number of these cells. It is a mistake of some theorists to plan a prison, so that every man shall be in absolute solitude and seclusion. It is only desirable that the greater part of the convicts, particularly the more atrocious and hardened ones, should be thus separated. But in many cases a discreet superintendant will find it advantageous to put two or three together, where he perceives a repentant disposition, and that they will sympathize, and confirm each other in such a course.

It cannot be too often repeated, that classification and separation are the first objects to be obtained; and that the greater part of the disappointment, and the principal, we might almost

* The excise in England on ardent spirits was not laid solely for fiscal purposes. Every person who has seen the works of Hogarth will recollect the dreadful scenes he painted, when a sign might be seen in London with these words: '*Here you may get drunk for a penny, dead drunk for two pence and clean straw to the bargain.*' The fact exists here, but without the advertisement. It is honorable to our population, that drunkenness is not more common when liquors are so cheap. What would be the state of the population in England, with the present habits of their working classes, if whisky could be had at fifteen pence a gallon, and if an ordinary laborer could, with one day's wages, obtain the means of intoxication for a fortnight?

say the only cause, of any bad results from these prisons, have arisen from their limits being too narrow for the number of criminals they hold in confinement. The experiment of the Penitentiary System cannot be said to be tried, until the prisons shall be large enough to separate and class the convicts, which is not the case in any prison in the United States. At present it is impossible to prevent prisoners of very different degrees of guilt, from seeing each other and occasionally talking together, and the mischief from this source, though counteracted as much as possible by those who have the charge of these institutions, is entirely obvious and is very extensive. These establishments, to which criminals of all kinds are sent promiscuously, could only be paralleled by a hospital that should receive all patients indiscriminately; where a sufferer with the rheumatism would catch the small pox, and another with a fracture be infected with the plague; and the most virulent and contagious disorders would soon obtain a mastery over the rest. The advantage, indeed, to the public, would be in favor of the hospital, since the evil would destroy itself by exterminating its victims.

The pamphlet, whose title is prefixed to these observations, is written by the warden of the Massachusetts State prison, and contains much valuable information. The author is well calculated, by his intrepidity, humanity, and discretion, for the situation he holds; and there is no office that requires a greater share of these qualities. He visits, unarmed, the most atrocious felons, whose malignant passions sometimes drive them to desperation; he has the immediate control of men whom the law has doomed to ignominy and many of them to perpetual imprisonment; but for whom there is a hope of pardon and escape from despair. Much depends on his sagacity in discovering those who are capable of reform, in fixing the feeling of repentance where it has taken root, and in detecting the cunning and hypocrisy of those who are feigning penitence, only to be at liberty to wreak themselves on society for their punishment. The observations of such an officer are worthy of attention, and we recommend his work to those who are interested in the subject. It is of great importance that the question should be maturely considered in this country; when we consider, that the ancient criminal code, of sanguinary punishments, torture and corporal inflictions, can never be introduced. The perfection of the ameliorated code can only

be expected when its principles and practice are well understood. To those who wish to investigate this branch of legislation and the facts on which it should be founded, it is not necessary to mention the works of *Beccaria* and *Howard;* they may be found in every library; but to these we would add the following, as containing much valuable matter: *Eden's Principles of penal law,* 1 *vol.* 8*vo.* 2*d edit. in* 1771: *Dagge's criminal law,* 3 *vols.* 8*vo.* 2*d edit. in* 1774: *sir G. O. Paul on the construction and regulation of prisons,* 2 *vols.* 8*vo.* 1818: *the opinions of different authors on the punishment of death, selected by Basil Montague,* 3 *vols. in* 1813: which will be found a particularly interesting and valuable book: *Roscoe's Thoughts on penal jurisprudence in* 1818: *and An inquiry into the system of Prison discipline, by T. F. Buxton, in* 1818.

Art. XXII.—*A Geographical and Commercial View of Northern Central Africa; containing a particular account of the course and termination of the great river Niger in the Atlantic ocean. By James M'Queen.* Edinburgh. 8vo. 1821. pp. 288.

The author of this work has collected a mass of information upon the geography of Nothern Africa not only from all the authors who have written on the subject, beginning with Herodotus and ending with Bowditch's mission to Ashantee, but from conversation with negroes, negro traders, and travellers. Of the greater part of this detail, which may be interesting enough to those who are curious in inquiries of this sort, we do not propose to take any particular notice. Much of it appears to be derived from sources of doubtful authority, and care is not taken to distinguish facts which may be considered as settled on competent authority, from those which depend upon questionable testimony, or are assumed upon conjecture.

One of the principal objects of the author is to establish the course and termination of the Niger. His hypothesis, if indeed it is not to be considered, as he regards it, an established fact, is that this river, after flowing in an easterly course a few degrees beyond the longitude of Tombuctoo, takes a turn

towards the south, and discharges itself into the gulf of Guinea by several mouths at the Bights of Benin and Biafra.

This is no new hypothesis. It was maintained by Reichard in the *Ephémérides Géographiques de Weimar* as early as the year 1808, and appears to be adopted by Malte-Brun, in his *Géographie Universelle.* 'At the west of Wangara,' says Reichard, 'the Niger flows to the south; and the Misselad, after passing the lake Fittree, and that of Semegonda, in flowing from the latter divides into two principal branches, which surround the Wangara, and fall into the Niger. This last named river afterwards continues to flow towards the south-west, until it discharges itself into the corner of the gulf of Guinea, where it forms a delta, the western branch of which is the river Benin or Formosa, and the eastern branch the Rio-del-Rey.' In support of this opinion, Mr Reichard first makes a variety of calculations to show that the supposition of Maj. Rennel, that the waters of the Niger, the El Gazel, the Misselad, and the other rivers that water the Wangara, are dissipated by evaporation, is physically impossible. He proceeds to support this opinion by the following arguments. Edresi says that the Nile of the Negroes surrounds the Wangara the whole year. It is on his testimony that this country has the figure that is given to it on the maps. The Niger coming from the west is divided into two branches above Ghana; the northern flows directly to the east; the southern, forming a curve, equal to the extent of the Wangara, returns towards the north; and both flow into the lake Semegonda. This at least is what must be supposed. But is this result correct, and according to the nature of things? How can a navigable river, one or two English miles wide, fall into a lake which is hardly twenty or five and twenty miles square in extent, without making it overflow? There should be, to contain the waters of the Niger alone, a lake of the size of the Aral; but the lake of Semegonda receives besides, all the rivers which come from Bournou, from Kagou, Begarme, Bergou, and Four, and particularly the Misselad, which is quite large and never dry. All these rivers meet in the lake Fittree, and are discharged from it. It is only in this manner that the communication of the rivers spoken of by Edrisi can be explained. He gives to his Nile, which surrounds Wangara, a general direction towards the west. This can be only the Misselad, and as Hornemann says that this river flows from

the lake of Fittree, the communication of the waters of Kagou with the lake of Semegonda, alleged by Edrisi, is confirmed. But this last named lake being too inconsiderable to contain all these waters, the two branches which flow from it must run, one to the west, and the other to the south-west, and empty into the true Niger at a considerable distance from each other. The true Niger then can wash only the western part of the Wangara, and proceeds on its course.

But a more satisfactory argument is drawn from the nature of the soil of Benin and Biafra, and the character of the rivers which water that part of the coast, which he describes in the following terms.

'The countries of Benin, Oware, New Calabar, and Calbongo are the delta of a large river which comes a great distance from the north-west. From accounts given by Nyendael, Bosmann, Dapper, and the two Barbots, we learn that the Rio Formosa is eight marine miles wide at its mouth. Higher up it is only four, and higher still it is at times wider and narrower. It divides into an infinite number of branches which spread into all the neighboring country. It is possible to pass in a boat from one branch to the other. There is also in the interior a passage by water which reaches to Calabar, and it is quite easy to reach that place in a canoe. From the Rio Formosa to the western shore of the river of Cameroons the coast is very low and marshy. It preserves the same character farther up into the country. The whole of this country forms an immense plain, crossed by large and navigable rivers, such as that of the Forcados, Ramos, Dodos, Sangama, near cape Formoso, Non, Oddi, Filana, Saint Nicholas, Meas, Saint Barthelemy, New Calabar, Bandi, Old Calabar, and Del-Rey. This last is from seven to eight marine miles wide at its mouth; it preserves this width far into the country, and comes a great distance from the north. All these rivers belong to the same principal river, for the Rio-del-Rey coming from the north, and the Rio Formoso from the north-east, the two lines which they follow must meet at forty or fifty geographical miles higher north. Both must have one course for at least two hundred miles. Then why not grant that their courses unite for three or four hundred miles? What an extent indeed must it have, since the delta, including cape Formoso, occupies a length of ninety [geographical] miles along the coast, and contains so many branches. It much surpasses in size the delta of the Ganges.'

In addition to these arguments it is urged, that the delta, composed of slime, and without any stones, must have been formed by the periodical inundations of one or several large

rivers—that according to the testimony of Jaques Barbot and Grasilheir, who were eye-witnesses, all the country about New Calabar and Bandi is overflowed every year in the months of July, August, and September—that this inundation corresponds with that which takes place in Wangara—and that Pimento, which is abundant at Benin, is equally so at Darkulla. To these arguments Mr Malte-Brun adds the coincidence of the name of the island of *Oulil*, which, according to the Arabs, is situated at the mouth of the Nile of the Negroes, and is the only country of Nigritia where salt is obtained, with that of an island on the coast of Guinea, at the mouth of the Old Calabar, called on the Portuguese maps *Olil*, which is covered with a bed of marine salt.

In the preface to the narrative of Robert Adams we find a statement, derived from a gentleman who had resided a considerable time at the settlement of Lagos, and at other stations on the coast of the Bight of Benin, which strongly corroborates this hypothesis. It is there asserted that traders from Houssa, a town on the Niger near the spot where Mr Park was killed, previously to the abolition of the slave trade, were continually to be met with at Lagos, and that they still come down to that mart, though in smaller bodies. These traders described their journey to the coast as occupying three or four months, and as retarded and obstructed, not by mountains, but by rivers, morasses, and large lakes, which intersect the countries between Houssa and the coast. These lakes were crossed by the traders on large rafts capable of transporting many passengers and much merchandize at one passage, and the traders were detained a considerable time, until a sufficiently large freight of passengers and goods could be collected. The person who furnished this information, had become persuaded, from his frequent communications with these traders, that it would be practicable to penetrate safely by water from Benin to Houssa.

This is also in accordance with Mr Park's late opinions. In his last letter to sir Joseph Banks, he says, that he had procured a guide, who was one of the greatest travellers in that part of Africa, and that he had learned from him, that 'the Niger, after it passes Kashna, runs directly to the right hand, or the south,' and that 'he was sure it did not end near Kashna, or Bornou, having resided for some time in both these kingdoms.' Park speaks with confidence of following the river until it reaches the sea-coast.

From these statements it will be seen that Mr M'Queen is not the author of this hypothesis, though he has defended it with great confidence and zeal. His defence would have been more satisfactory and his work more valuable, had he confined himself more exclusively to well attested facts, and to witnesses of undoubted credibility, instead of bringing in aid the testimony of negroes and wandering Arabs, whose geographical knowledge is to be regarded with very little respect, and had he carried his speculations and conjectures less into detail where positive information fails him. He in the first place disposes of the hypotheses in relation to the Niger, adverse to his own, in the following manner.

'The theories at present most in vogue are, *first*, that it flows eastward, reaching beyond the parallel of the eighteenth degree north latitude, and then in about twenty degrees east longitude, flows south-east, and is the parent stream of the Bakr-el-Abiad, or Nile of Egypt; *second*, that it terminates in a large lake in the interior, which also receives the waters of the Gir, or Nile of Soudan, coming from the eastward; *third*, that the waters of both rivers are lost in and absorbed by swamps and sandy deserts, in a country called Wangara; and *fourth*, that the Niger from his middle course flows south, and joins the great river Congo, or Zaire.

'Every one of these theories is grossly erroneous, contrary to every authority on which reliance can be placed, and in opposition to every feature of geography exhibited any where else on this globe. The expedition to the Congo so lately undertaken, and so unfortunate, has nevertheless settled the question, that the Congo and Niger are different streams. The lake said to receive and retain the waters of the Gir and the Niger, can no where be heard of, either as a sea of salt or fresh water, in the interior of Africa. Wangara, said to absorb these rivers in swamps and sands, or rather those parts of Africa where Wangara is said to lie, is, as the name signifies, a country of a different description, a country intersected by many powerful rivers, mountainous, fertile and cultivated, and inundated during the rains. That the Niger flows to form the Bahr-al-Abiad, is contrary to all probability, contrary to the good authority of Ptolemy, contrary to the authority of the best Arabian geographers, and contrary to excellent modern authority.' p. 4.

In support of his position relative to the course of the Niger, the author appeals first to the authority of Ptolemy. This geographer, he says, describes Northern Africa, 'apparently

from good authority and with considerable accuracy.' In enumerating the mountains of Africa, he describes the Caphas or Kong mountains, between the sources of the Niger and the gulf of Guinea, and says, that eastward, in the same parallel, is a blank or opening, and then comes mount Thala, situated in ten degrees north latitude, and about twelve degrees of east longitude. He does not say explicitly that the Niger flows through this opening, but from his description of the country, and of the course of the Gir, and other rivers, it is inferred that such was his supposition. The authority of the Arabian authors is next quoted. Many facts are cited from Bakui, Ebn Haukal, Macrisi, Edrisi, Batouta, Leo Africanus, and others, which are made to confirm and explain the author's view of this portion of geography. A great body of information is drawn from these authors.

The author next proceeds to describe minutely the course of the Niger and of its tributary streams, beginning at its sources in the Kong mountains. It flows in a north-easterly direction, and is represented as navigable for a distance of four hundred miles, before reaching Bammakoo, the point at which Park in his first voyage left the river, and which he considered as the head of navigation. It is, however, here represented by Park as a mile wide, and flowing with a rapid current. From Bammakoo to Silla, a distance of a little more than three hundred miles, the course of the river is accurately known, it having been followed by Park in both his voyages. Its direction within this space is a little northward of east. Silla is in a little less than fourteen degrees of north latitude, and a few miles east of the meridian of Greenwick. Park says, 'nothing can be more beautiful than the views of this immense river; sometimes as smooth as a mirror; at other times ruffled by a gentle breeze: but at all times wafting us along at the rate of six or seven miles an hour.' From Silla the Niger is described as continuing its course in a north-easterly direction for two or three hundred miles, after which, in the neighbourhood of Tombuctoo it curves towards the south-east. After a course of seven or eight hundred miles towards the south-east and south, it receives the waters of the Gir, and its branches, and then turning towards the south-west finds its way to the sea, as before stated, by several mouths at the Bights of Benin and Biafra, measuring in its whole course twenty-six hundred miles.

'Let us now turn our attention,' says Mr M'Queen, 'to the rivers which enter the ocean in the Bights of Benin and Biafra. Of the larger branches, the Rio de Formosa, though not the largest, may be considered the parent stream from which all the others are deflections. At its mouth it is three and a half British miles broad, with two bars of mud, on which there is thirteen feet water. Besides numerous creeks which issue from it, a very large, deep, and navigable branch flows into the lake Cradoo, which communicates with the Lagos river near its junction with the sea. The space betwixt them, according to the French maps, drawn for the French marine service, under the late emperor, is filled with low islands; and several rivers from the northward fall into the lake, or sound mentioned, betwixt the Rio de Formosa and the Rio Lagos. The account which Bosman gives of the Rio de Formosa, is the most particular and satisfactory that I have met with. "Upwards," says she, "it is sometimes broader, and sometimes narrower. It sprouts *into innumerable branches*, some of which may very well deserve the name of rivers." About five miles from its mouth, it throws off two branches within two miles of each other. Agatton, the chief place of trade, is situated sixty Dutch miles (two hundred and twenty British) up the river, and on a peninsula formed by it. "*So far, and yet farther, ships may conveniently come, sailing by hundreds of branches of the river, besides creeks, some of which are very wide.*" Its branches extend into all the circumjacent countries. The country all about is divided into islands, by the multiplicity of its branches. The Portuguese, who had settlements inland, and were well acquainted with those parts, affirm, that "it was easy, with a canoe, to get from the Rio de Formosa into the circumjacent rivers, viz. the Rio Lagos, Rio Volta, Elrei, New Calabar, Bonny and other rivers. The Rio de Formosa meanders through a fine fertile country, and brings down innumerable floating islands of considerable extent on its waves. On the north side, the river is joined by the Gatto creek, which may be the termination of a river descending from the north, perhaps the Kakoa, heard of by Robertson. The Rio dos Forcados, apparently a mighty stream, no doubt branches off from the Rio de Formosa, after the streams running south-east have separated. South of the Rio dos Forcados, is a lake of considerable magnitude, which communicates with the sea, west of cape Formosa, and also with the New Calabar river. The number of rivers which enter the sea from the Rio de Formosa to cape Formosa is six.

'Passing cape Formosa eastward, besides creeks, we have six rivers, which at their mouth are all navigable. Beyond these, we come to the great estuary of New Calabar, and Bonny, or Bannee rivers. These streams form a junction near the

sea, the one forming an island on the west side thereof. The New Calabar river comes from the N. N. W. and the Bannee from the N. E. apparently at no great distance from each other; but still between them some streams from the north enter the sound formed by their junction. This grand estuary is eleven miles broad, very deep, and navigable for ships of heavy tonnage. On the west side is a bank of sand, thrown up by the action of the river and the sea. In some places it has thirty feet water on it. The New Calabar river, opposite to the town and forty miles from the sea, is six fathoms deep. In it, however, are many flats with only sixteen feet water. The Bonny river is perhaps the most powerful branch; it divides, and forms an island about twenty-five miles long and twelve broad; the eastern branch, a very considerable stream, entering the sea under the name of Andonny, or St Anthony's river. The town of Bonny is situated on this island, which is almost level with the water, and a great part of it is flooded during the inundation. Inland, however, the inhabitants assert that the land becomes more dry, and the country free from those pestilential vapours, which are generated amidst the swamps immediately adjoining the sea. The current out of the mouth of the united streams of the Bonny and New Calabar rivers is strong and rapid; and it is asserted that they discharge as much water as the great river Congo.' pp. 128—131.

Proceeding still farther east, we came to the estuary of Cross and Old Calabar rivers, which is twelve miles wide and penetrates into the country nearly a hundred miles. Old Calabar enters from the eastward, and on tracing it inland, it is said that it is found to pass over a large cataract, which interrupts its navigation. The same is stated of the Elrei, which enters the sea still farther east, and they are supposed to come from a chain of mountains, branching off from the mountains of the Moon, which terminates on the coast in the highlands of Cameroons. But the Cross river, entering the estuary abovenamed from the north or north-west, is supposed by the author to be a branch of the Niger, and said to be navigable to Bonny river.

The country about the Rio de Formosa is described as uncommonly beautiful. Though unhealthy for Europeans, it is populous, and the land is extremely fertile. Cotton and indigo are raised in abundance. Benin is situated ten miles from the river, the port of the city being named Agatton. Benin is a large town, with broad streets and houses of clay, and was formerly the capital of an extensive empire. The trade to this coast is extensive, the principal article of traffic

being slaves, who are brought from the interior by water conveyance. 'All around the Delta,' says the author, 'the population on the sea-coast are busily employed in making salt for the interior market. In the kingdom of Qua, situated between the Andonny and Old Calabar river, this is particularly the case. The land on the coast is called the *salt ground*, and is perhaps the place where Ibn-al-Vardi mentions the numerous salt-pits on the shore of the sea. This salt is carried into the interior along with other merchandize in canoes or vessels built around Bonny river, so large as to contain two hundred people, and having a cannon placed on each end.' 'Boussa on the Niger is a great emporium for this trade.' The rivers on this coast are in flood from May to December, but the height of the inundation is during the months of July and August. The country is then overflowed for a great distance, and the quantity of alluvial matter is so great, that the land is constantly gaining on the sea. The period of the flood of these rivers shows that they have no connexion with the Congo. That river does not begin to rise until the beginning of September. It corresponds also with the time of the annual rise of the Niger, whereas the flood of the Congo does not. Another proof that these rivers flow from a remote part of the country is, that the greatest rains upon the coast are in May and June, while the greatest flood is not until August.

'When we reflect for a moment,' says the author, 'on the number and magnitude of the rivers which join the sea in the Delta of Benin, we are filled with wonder and amazement. From the Rio Lagos to the mouth of the Cross river inclusive, the number exceeds twenty. The breadth of their surfaces, connected together, would exhibit an expanse of fresh water, perhaps fifty miles broad. Three of these only, viz. the Rio de Formosa, the chief outlet of the Bonny, and the estuary of the Old Calabar and Cross rivers, would make twenty-seven miles. The depth of these rivers greatly exceeds that of other rivers of the first magnitude at their mouths. Thus, the Rio de Formosa has thirteen feet water on the bars at its outlet, and deepens to several fathoms as it leaves the coast. The mouths of the New Calabar and Bonny have seven, eight, ten, twelve, and considerably upwards in the Bonny river, eighteen fathoms; while the New Calabar, forty miles from the sea, is six and seven fathoms deep. The chief mouth of the Orinoco has only seventeen feet water on the bar, and the navigable part is no more than three miles broad. The Mississippi enters the sea by six channels, the two principal of

which have only twelve feet on the bar in each. Thus the outlets of the Niger greatly exceed either of these mighty rivers in the depth of their mouths. The distance from the source of the Missouri to the mouths of the Mississippi exceeds four thousand miles. The Delta formed by the Niger exceeds in extent that formed by the Ganges, the Mississippi, the Orinoco, or the Wolga. In difference of longitude the Delta of Benin is nearly two hundred and sixty miles. That of the Ganges, much larger than any of the others, is two hundred miles. The navigation also of the outlets of every one of these mighty rivers is much more obstructed than the navigation in the mouths of the Niger. They have less water, and are more intricate and dangerous than either the Rio Lagos, the Rio de Formosa, the Bonny and Old Calabar rivers. Of the depth of the Niger in the interior we are wholly ignorant, but judging by the depth and magnitude of its branches at their mouths, we may form some idea of the depth of the united stream. It must be great.' pp. 139, 140.

If the account here given of the magnitude of the rivers that flow into the gulf of Guinea is entitled to credit, it is alone sufficient to establish the fact that they receive the waters of the Niger. It being admitted that this mass of waters flows into the ocean at this spot, it would be a more difficult problem to determine from whence they come, if not from the Niger, than it has heretofore been to discover the outlet of that river. Even admitting that the account here given is to be taken with some allowance in regard to the author's zeal in support of a favorite hypothesis, there is still reason for trusting with some confidence to the main fact, at least until some solid reason is given for doubting it. None yet has been presented, that we are aware of, on any adequate authority. The supposition that a chain of mountains running through the centre of Africa, formed an impenetrable barrier between the Niger and the ocean, has been taken up, we believe, without proof, or at least such proofs as can weigh against the evidences of the contrary position. It is a little remarkable that a river of the size of the Niger, from one to two miles in breadth, flowing towards the centre of the continent, should be for so many years known to exist, that the labors of travellers and the wits of philosophers should be exerted for years in discovering its termination, that to account for the phenomenon of its existence without any known communication with the common reservoir of waters it should be thought necessary to exhaust it by evaporation, to waste it in

the sands, or to convey it hundreds of miles by subterraneous passages, and that after all it should be found to flow from those parts where it had been fully explored, in a natural and nearly direct course, to the nearest part of the ocean.

ART. XXIII.—*Letter to* **** ****** *on the Rev. W. L. Bowles' Stricture on the Life and Writings of Pope. By the R. H. Lord Byron.*

'I will play at *Bowls* with the sun and moon.'—*Old Song.*

Second edition. London. 1821.

As this work is very amusing, and as our booksellers have not been tempted to give it to the public, we will, after stating the origin of a controversy, which has excited so much interest abroad, make a few copious extracts, for the benefit of such of our readers, as have not met with the English copies. In the year 1806, the Rev. W. L. Bowles published his edition of Pope, with an essay on his life and writings, which was severely censured in the Edinburgh Review, on account of the poetical principles it assumed, and the aspersions it contained upon the character of Pope. In 1819 Mr Campbell, in his Specimens of the British Poets, expressed his disapprobation of the poetical opinions of Mr Bowles; who replied in an elaborate treatise on the 'invariable principles of poetry,' addressed in the form of a letter to Mr Campbell. In the course of the last year, the London Magazine, and the Quarterly Review, in an article upon Spence, opened a very heavy fire upon the same gentleman, who again defended himself with much spirit and good sense. This was the state of things when Lord Byron, having been incidentally alluded to in the course of the skirmishing, felt himself called on to add one more to the number who so grievously beset Mr Bowles.

After a few prefatory remarks on a conversation which took place at the house of Mr Rogers, 'the last Argonaut of classic English poetry, and the Nestor of our inferior race of living poets,' Lord Byron proceeds to an examination of Mr Bowles' Strictures on the character of Pope. We think here, as throughout, that his Lordship has mixed more of the bitter with the sweet than is altogether palatable in a controversy between gentlemen; but we coincide with him in the opinion

that the reverend editor has dealt too much in general assertions, and too readily put an unfavorable construction on such circumstances in the life of Pope, as are after all extremely doubtful.

We will not enter upon an investigation of details which have so often and in so many shapes been given to the public, but proceed to his Lordship's discussion of Mr Bowles's 'invariable principles of poetry.' And first, we would make a few remarks on a subject, which has excited so much sensation among our brethren on the other side of the water. The question is, whether images borrowed from art or nature are most poetical; Mr Bowles maintaining that images derived from nature are intrinsically best suited to poetry; which Lord Byron in the letter before us denies.

It would be well to understand what is meant by the terms poetry, and poetical. We will not attempt to circumscribe poetry, by an exclusive definition, which, if we may judge from similar attempts, may after all be very defective; but we may safely point out what by universal consent are esteemed suitable topics for poetry.

All will admit that a star, a rose bud, a sunny cloud are poetical; and why? because they delight the soul with emotions of beauty. All will allow a mountain, a desert, a whirlwind, to be poetical;—why? because they animate us with consciousness of power, immensity,—all that is sublime. Every one feels that tales of love, of revenge, of pining melancholy, in short whatever is built on the passions of the human heart, are highly poetical: and thence we infer that whatever suggests to us sentiments of grandeur, or beauty, and whatever moves the affections, is poetical in that degree. If natural objects, therefore, are more sublime, more beautiful, or more affecting than artificial, they are more poetical; and that they are so, we think it not difficult to prove.

What, for instance, in the material world can furnish us with more beautiful images than those which nature displays on a fine spring morning, when all is quick with joy and life; the landscape glowing in the brightness of a rising sun; the foliage, the spires of grass glittering with dew-drops; the playful rivulet now sparkling in the ray, now hiding itself in the covert; the song of birds; the bleating of sheep on the uplands; the lowing of cattle in the valley; 'the living fragrance of flowers, yet fresh with childhood;' or the same

landscape softened in the grey of twilight; when the glare of day is gone,—when a faint light only hovers on the waters; when no noise is heard save the chirping of the cricket, the sad moan of the whippoorwill, or the indistinct whisper, that seems to float on the distant hills;—when the voice of merriment and of labor have alike ceased; when all is hushed in profound repose, and the soul drinks in the sense of beauty?

What can art add that shall chime in with the spirit of these scenes and improve their character?

The white cottage, the tapering spire, the tinkling sheep-bell, the cheerful sound of the village flute, the brisk motion of the mill-wheel scattering drops of liquid light, are artificial sounds and sights, and beautiful as they accord with the expression of the morning. At the close of day, the ruined abbey, the chime of distant bells, the slow beat of oars, heard at intervals, are no less beautiful, and in perfect harmony with the temper of the hour, which naturally leads to quiet, soothing meditation. They owe most of their beauty, however, to *natural associations.* The cottage is the abode of rustic simplicity, and tells us of man. The blithe strains of the minstrel speak of buoyant youth and heartfelt happiness; and the busy wheel reminds us also of plenty and healthful labor. The ruined abbey speaks to the heart of other times, and the music of village bells touches some chord in unison with the hour, till the 'soul runs o'er with silent worship.' It is to nature that these objects are primarily indebted for their beauty, and even these are beautiful in the landscape only as *auxiliaries.* Nature is the groundwork; they but swell the tide of feeling which she had first stirred within our bosoms. Nature would of herself have been all-sufficient to have excited these feelings; *they* could have done little without her; it is

> 'The gush of springs,
> The fall of lofty fountains, and the bend
> Of stirring branches, and the bud which brings
> The swiftest thought of beauty.'

It is in a word images borrowed from nature, that excite in us perceptions of beauty. On these the poet dwells when he would impart a kindred glow to others; and heightens it by happy allusions to art;—but nature gives a tone to the whole, and the images she furnishes are therefore most poetical.

It will be less difficult, we imagine, to show the comparative

inferiority of artificial to natural objects in raising emotions of power. Would you call up these feelings; go forth in the dead of night, contemplate the magnificence of heaven, the moon, 'the stars in their development;' go to the sea-side, listen to the sad and solemn voice of the ocean, watch the gathering tempest, hear the night-winds sigh over the interminable waste; or gaze upon the hills, 'whose scalps are pinnacled in clouds;' meditate on the might, which cast their dark foundations deep, and the generations of men that have been swept away at their feet. What works of man can compare with these? How far can they even add to the effect of such a spectacle?

The explosion of cannon in the hour of battle, the sound of a funeral bell at midnight are sublime; a ship would no doubt add to the sublimity of a storm, but here it is not the vessel, but the men within her that excite the terrible interest in our bosoms. The pyramids are perhaps the most sublime of human monuments; their age, their magnitude, their situation, all conspire to render them so; but what are the pyramids, with all the notions they suggest to us of power and duration, in comparison with the mountains, whose foundations were from the first. Place them at the foot of the Alps or of the Andes, and let one born in a sandy desert, who has seen neither hills nor pyramids, tell you which fills him with the strongest emotion. We are grown familiar with mountain scenery, and a pyramid produces a disproportionate effect on our imaginations. Yet nature will still maintain her sway over us, 'tamen usque recurrit,' and if we would lift the souls of our readers to the loftiest tone of enthusiasm, we borrow our images from nature. No one has done this more frequently and more successfully than Lord Byron.

Lastly, we think there can be no dispute that an exhibition of passions founded in nature must move us more forcibly than the manners and forms of artificial life, and that the former are consequently more poetical than the latter.

We are aware that in the foregoing examples we have been very arbitrary, and that the enumeration must of course be very defective; but it could not be otherwise in so short an essay. We have therefore contented ourselves with selecting a few of the images most remarkable for beauty or grandeur, and such as poets have been wont to dwell upon. The inference from the whole is, that natural objects are more affecting,

suggest more lively sentiments of beauty and sublimity, than artificial, and are consequently more poetical. Let us now see how far these sentiments coincide with lord Byron's.

'I now come,' says he, 'to Mr Bowles's "invariable principles of poetry." These, Mr Bowles and some of his correspondents, pronounce "unanswerable;" and they are "unanswered." at least by Campbell, who seems to have been astounded by the title. Mr Campbell has no need of my alliance, nor shall I presume to offer it; but I do hate that word "*invariable.*" What is there of *human*, be it poetry, philosophy, wit, wisdom, science, power, glory, mind, matter, life, or death, which is "*invariable?*" Of course I put things divine out of the question. Of all arrogant baptisms of a book, this title to a pamphlet appears the most complacently conceited. It is Mr Campbell's part to answer the contents of this performance, and especially to vindicate his own "Ship," which Mr Bowles most triumphantly proclaims to have struck to his very first fire.

> 'Quoth he, there was a *Ship;*
> Now let me go, thou grey-haired loon,
> Or my staff shall make thee skip.'

It is no affair of mine, but having once begun *(certainly not by my own wish,* but called upon by the frequent recurrence to my name in the pamphlets,) I am like an Irishman in a "row," "any body's customer." I shall therefore say a word or two on the "Ship."

Mr Bowles asserts that Campbell's Ship of the Line derives all its poetry not from "*art,*" but from "*nature.*" "Take away the waves, the winds, the sun, &c. &c. *one* will become a stripe of blue bunting; and the other a piece of coarse canvass on three tall poles." Very true; take away the "waves," "the winds," and there will be no ship at all, not only for poetical, but for any other purpose; and take away "the sun," and we must read Mr Bowles' pamphlet by candle-light. But the "poetry" of the "Ship" does *not* depend on "the waves," &c.; on the contrary, the "Ship of the Line" confers its own poetry upon the waters, and heightens *theirs.* I do not deny, that the "waves and winds," and above all "the sun," are highly poetical; we know it to our cost, by the many descriptions of them in verse; but if the waves bore only the foam upon their bosoms, if the winds wafted only the sea-weed to the shore, if the sun shone neither upon pyramids, nor fleets, nor fortresses, would its beams be equally poetical? I think not: the poetry is at least reciprocal. Take away "the Ship of the Line" "swinging round" "the calm water," and the calm water becomes a somewhat monotonous thing to look at, particularly if not transparently *clear;* witness the thousands

who pass by without looking on it at all. What was it attracted the thousands to the launch? they might have seen the poetical "calm water" at Wapping, or in the London Dock, or in the Paddington Canal, or in a horse-pond, or in a slop basin, or in any other vase. They might have heard the poetical winds howling through the chinks of a pig-sty, or the garret window; they might have seen the sun shining on a footman's livery, or on a brass warming-pan; but could the "calm water," or the "wind," or the "sun," make all, or any of these "poetical?" I think not. Mr Bowles admits "the Ship" to be poetical, but only from those accessories. Now if they *confer* poetry so as to make one thing poetical, they would make other things poetical; the more so, as Mr Bowles calls a "Ship of the Line" without them, that is to say, its "masts and sails and streamers," "blue bunting," and "coarse canvass," and "tall poles." So they are; and porcelain is clay, and man is dust, and flesh is grass, and yet the two latter at least are the subjects of much poesy.

Did Mr Bowles ever gaze upon the sea? I presume that he has, at least upon a sea-piece. Did any painter ever paint the sea *only*, without the addition of a ship, boat, wreck, or some such adjunct? Is the sea itself a more attractive, a more moral, a more poetical object, with or without a vessel, breaking its vast but fatiguing monotony? Is a storm more poetical without a ship? or, in the poem of the Shipwreck, is it the storm or the ship which most interests? both *much* undoubtedly; but without the vessel, what should we care for the tempest? It would sink into mere descriptive poetry, which, in itself, was never esteemed a high order of that art.

I look upon myself as entitled to talk of naval matters, at least to poets:—with the exception of Walter Scott, Moore, and Southey, perhaps, who have been voyagers, I have *swam* more miles than all the rest of them together, now living, ever *sailed*, and have lived for months and months on shipboard; and, during the whole period of my life abroad, have scarcely ever passed a month out of sight of the ocean; besides being brought up from two years till ten on the brink of it. I recollect, when anchored off Cape Sigeum in 1810, in an English frigate, a violent squall coming on at sun set, so violent as to make us imagine that the ship would part cable, or drive from her anchorage. Mr Hobhouse and myself, and some officers had been up the Dardanelles to Abydos, and were just returned in time. The aspect of a storm in the Archipelago is as poetical as need be, the sea being particularly short, dashing, and dangerous, and the navigation intricate and broken by the isles and currents. Cape Sigeum, the tumuli of the Troad, Lemnos, Tenedos, all added to the associations of the time. But what seemed the most "poetical" of all at the

moment, were the numbers (about two hundred) of Greek and Turkish craft, which were obliged to "cut and run" before the wind, from their unsafe anchorage, some for Tenedos, some for other isles, some for the main, and some it might be for eternity. The sight of these little scudding vessels, darting over the foam in the twilight, now appearing and now disappearing between the waves in the cloud of night, with their peculiarly *white* sails, (the Levant sails not being of "*coarse canvass*," but of white cotton) skimming along as quickly, but less safely than the sea mews which hovered over them; their evident distress, their reduction to fluttering specks in the distance, their crowded succession, their *littleness*, as contending with the giant element, which made our stout forty four's *teak* timbers, (she was built in India,) creak again; their aspect and their motion, all struck me as something far more "poetical," than the mere broad, brawling, shipless sea, and the sullen winds could possibly have been without them.

'The Euxine is a noble sea to look upon, and the port of Constantinople, the most beautiful of harbours, and yet I cannot but think that the twenty sail of the line, some of one hundred and forty guns, rendered it more "poetical," by day in the sun, and by night perhaps still more, for the Turks illuminate their vessels of war in a manner the most picturesque, and yet all this is *artificial*. As for the Euxine I stood upon the Symplegades. I stood by the broken altar, still exposed to the winds upon one of them. I felt all the "poetry" of the situation, as I repeated the first lines of Medea; but would not that "poetry" have been heightened by the *Argo?* It was so even by the appearance of any merchant-vessel arriving from Odessa. But Mr Bowles says, "why bring your ship off the stocks?" for no reason that I know, except that ships are built to be launched. The water, &c. undoubtedly *heightens* the poetical associations, but it does not *make* them; and the ship amply repays the obligation; they aid each other; the water is more poetical with the ship—the ship less so without the water. But even a ship, laid up in dock, is a grand and a poetical sight. Even an old boat, keel upwards, wrecked upon the barren sand, is a "poetical" object (and Wordsworth, who made a poem about a washing tub and a blind boy, may tell you so as well as I,) whilst a long extent of sand and unbroken water, without the boat, would be as like dull prose as any pamphlet lately published.'

This is all very fine, and if there is no argument in it, there is at least much humour, and more poetry. But strip it of its humour and its poetry, its 'waves and winds,' and we fear nothing but 'bunting' and bare 'poles' will remain. In fewer

words it is simply this. Since Nature can make *some* works of art poetical, it must therefore make *all* so. Since it can confer beauty on the noblest, it must also on the meanest. And since a ship *(which of itself suggests many agreeable associations)* when beaming in the rays of a resplendent sun, moving in quiet majesty on the bosom of the waters, or tossed to and fro by the tempest, becomes from these circumstances an object of peculiar beauty, and of poetry, so may a brass warming-pan, a pig-sty, or a garret-window. This is indeed jumping at a conclusion. We know not where his lordship learned his logic, but it is certainly a much more concise system, than any with which we have yet been acquainted.

When it is said that Nature furnishes higher subjects of poetry than art, it is not denied that the latter may suggest many of peculiar dignity and beauty. Such is a vessel of war, filling our breasts with the most glorious and patriotic sentiments. We anticipate 'all the days of battle and nights of danger which she has to encounter; all the ends of the earth which she has to visit; all that she has to do and suffer for her country.' It is as the mistress of the ocean over which she rides triumphantly, that she becomes an object of poetical interest. Yet in the convulsions of a tempest, or in the tranquillity of an unruffled sea, and a brilliant atmosphere, she would gain new dignity and beauty; and in the same degree would become more poetical. On the other hand, there are other productions of art so mean, that no embellishments of nature can improve them into suitable topics for poetry, as is well exemplified in Lord Byron's pig-sties and warming-pans.

In the beautiful picture which Lord Byron has given us of the storm off cape Sigeum, it is not the vessels but the men, the living beings who inhabit them, that give a poetical interest to the scene; 'their evident distress,' their personal danger, 'some scudding for the isles, some for the main, and some it might be for eternity.' It was these associations, and not the vessels *per se;* nature, not art, that chiefly conferred on them their poetry. 'Is the sea,' Lord Byron asks, 'a more attractive, a more moral, a more poetical object, with or without a vessel, breaking its vast but fatiguing monotony? Is a storm more poetical without a ship? Or, in the poem of the Shipwreck, is it the storm or the ship which most interests? Both *much* undoubtedly; but without the vessel, what should we care for the tempest? It would sink into mere descriptive

poetry, which in itself was never esteemed a high order of that art.' As the best answer to these questions, and as a proof that the ocean can derive little additional moral grandeur or beauty from any artificial accessory, we refer him to a sublime passage with which he must be well acquainted.

> 'Thou glorious mirror, where the Almighty's form
> Glasses itself in tempests; in all time,
> Calm or convulsed—in breeze, or gale, or storm,
> Icing the pole, or in the torrid clime
> Dark heaving; boundless, endless, and sublime,—
> The image of eternity—the throne
> Of the Invisible; even from out thy slime
> The monsters of the deep are made, each zone
> Obeys thee; thou goest forth, dread, fathomless, alone.'
>
> 'And I have loved thee, ocean!'

We do not continue the extract, although the following stanza, by an exquisite contrast, breathes a tone of moral feeling, in strains as remarkable for their beauty, as the former for their sublimity. As to the poem of the Shipwreck we answer, that it is not the dull senseless timber, the ship, but the men, the life, nature that gives an interest to the scene.

'What makes the poetry,' Lord Byron asks further, 'in the image of the *marble waste of Tadmor*, or Grainger's Ode to Solitude, so much admired by Johnson? Is it the *marble*, or the *waste*, the *artificial*, or the *natural* object? The waste is like all other *wastes;* but the marble of Palmyra makes the poetry of the passage as of the place.

'The beautiful but barren Hymettus, the whole coast of Attica, her hills and mountains, Pentelicus, Anchesmus, Philopappus, &c. &c. are in themselves poetical, and would be so if the name of Athens, of Athenians, and her very ruins, were swept from the earth. But am I to be told that the "nature" of Attica would be *more* poetical without the "art" of the Acropolis? Of the temple of Theseus? And of the still all Greek and glorious monuments of her exquisitely artificial genius? Ask the traveller what strikes him as most poetical, the Parthenon, or the rock on which it stands? The *columns* of cape Colonna, or the cape itself? The rocks at the foot of it, or the recollection that Falconer's *ship* was bulged upon them? There are a thousand rocks and capes, far more picturesque than those of the Acropolis and cape Sunium in themselves. What are they to a thousand scenes in the wilder parts of Greece, of Asia Minor, Switzerland, or even of Cintra in Portugal, or to many scenes of Italy, and the Sierras

of Spain? But it is the *art*, the columns, the temples, the wrecked vessel, which give them their antique and their modern poetry, and not the spots themselves. Without them, the *spots* of earth would be unnoticed and unknown; buried, like Babylon and Nineveh, in indistinct confusion, without poetry, as without existence; but to whatever spot of earth these ruins were transported, if they were *capable* of transportation, like the obelisk, and the sphinx, and the Memnon's head, *there* they would still exist in the perfection of their beauty, and in the pride of their poetry. I opposed, and will ever oppose, the robbery of ruins from Athens, to instruct the English in sculpture; but why did I do so? The *ruins* are as poetical in Piccadilly as they were in the Parthenon, but the Parthenon and its rock are less so without them. Such is the poetry of art.

'Art is *not* inferior to nature for poetical purposes. What makes a regiment of soldiers a more noble object of view than the same mass of mob? Their arms, their dresses, their banners, and the *art* and artificial symmetry of their position and movements. A Highlander's plaid, a Mussulman's turban, and a Roman toga, are more poetical than the tattooed or untattooed buttocks of a New Sandwich savage, although they were described by William Wordsworth himself, like the "idiot in his glory."

'Mr Bowles makes the chief part of a ship's poesy depend upon the "*wind*;" then why is a ship under sail more poetical than a hog in a high wind? The hog is all nature, the ship is all art, "coarse canvass," "blue bunting," and "tall poles;" both are violently acted upon by the wind, tossed here and there, to and fro, and yet nothing but excess of hunger could make me look upon the pig as the more poetical of the two, and then only in the shape of a griskin.

'Will Mr Bowles tell us that the poetry of an aqueduct consists in the *water* which it conveys? Let him look on that of Justinian, on those of Rome, Constantinople, Lisbon, and Elvas, or even at the remains of that in Attica.

'We are asked, "what makes the venerable towers of Westminster Abbey more poetical, as objects, than the tower for the manufactory of patent shot, surrounded by the same scenery?" I will answer—the *architecture*. Turn Westminster Abbey, or Saint Paul's into a powder magazine, their poetry, as objects, remains the same; the Parthenon was actually converted into one by the Turks, during Morosini's Venetian siege, and part of it destroyed in consequence. Cromwell's dragoons stalled their steeds in Worcester cathedral; was it less poetical as an object than before? Ask a foreigner on his approach to London, what strikes him as the most poetical of the towers before him: he will point out Saint Paul's and Westminster Abbey, without, perhaps,

knowing the names or associations of either; and pass over the "tower for patent shot," not that for any thing he knows to the contrary, it might not be the mausoleum of a monarch, or a Waterloo column, or a Trafalgar monument, but because its architecture is obviously inferior.' pp. 34—38.

We have been copious in our extracts, since, although they contain no new argument, they may amuse our readers by their whimsical and sometimes beautiful illustrations of what seems to us a mistaken theory. 'It is the *art*, the columns, the temples, &c.' But if we are correct, it is not the columns and temples, it is not *art*, which gives to Greece her *highest charm*, her poetry. It is man, it is nature; not the loveliness of her landscape, but the history of her inhabitants; their deeds, their glories, their misfortunes have made her sublime; not the trophies of art, so much as the recollection of her own history; and this will remain, when her temples shall have crumbled into dust. She will still have been the earliest seat of poetry and science: she will still have been, in Lord Byron's own beautiful language, the 'clime of battle and of song;' the 'land of lost gods and godlike men;' and as such, whether Goths, or Turks, or Scotchmen deface her monuments, she will ever be in the highest degree poetical.

There is no spot in Italy which impresses you more, than the battle-ground near lake Thrasymene. It is the field in which Hannibal defeated an army infinitely superior to his own in number and equipments. The particulars are known to every school-boy. It is almost the only field of battle in Italy, which remains to this day undisputed; its natural boundaries have made it, and must ever keep it so. What is it here that fills you with strong emotion? Not art, there are no trophies, no temples, no monuments of any kind. You stand in the valley, the scene of the action, and behold only the broad lake and the semicircular range of Appenines that encompass you. It is the recollection of the heroes, who made this the theatre of their exploits; of the Romans, till then invincible; of Hannibal and his intrepid soldiers. It is these recollections that inspire you, that give to the place its sublimity, its poetry; and if every hill-top were crowned with a temple, they might delight you by the beauty of their *architecture*, but they could never call up the warm glow of feeling, which these recollections kindle in the soul.

We cannot think Lord Byron serious when he tells us, that

Greek statues and bas reliefs, ravished from the Parthenon, are as poetical in a work-shop in London, as on the spot where Grecians were wont to bend the knee; amid the ashes of heroes, whose deeds they were designed to commemorate. It is equally unnecessary after this to notice Lord Byron's remarks on Westminster Abbey, &c. as a source of poetical interest. They are made in the same spirit with those above cited; we will only add, that we suspect he is the only Englishman who could recollect that the great and the good of his own country sleep in its vaults, and attribute its charm exclusively to its architecture.

Lord Byron next arraigns Mr Bowles for presuming to estimate in any degree the merit of a poet, by the dignity or difficulty of his subject, and for ranking Pope upon these grounds, somewhat below Milton and Shakspeare. Indeed, he is so much enamoured of Pope, that he has converted into a canon of criticism, what the other had only intended for a law of morality; and 'act well your part, there all the honor lies,' seems to be the only rule of his Lordship in determining the merit of a poet. But let him speak for himself.

'All this "ordering" of poets is purely arbitrary on the part of Mr Bowles. There may or may not be, in fact, different "orders" of poetry, but the poet is *always ranked according to his execution*, and not according to his branch of the art.

'Tragedy is one of the highest presumed orders. Hughes has written a tragedy, and a very successful one; Fenton another; and Pope none. Did any man, however,—will even Mr Bowles himself rank Hughes and Fenton as poets above Pope? Was even Addison, (the author of Cato,) or Rowe, (one of the higher order of dramatists, as far as success goes,) or Young, or even Otway and Southerne, ever raised for a moment to the same rank with Pope in the estimation of the reader or the critic, before his death or since? If Mr Bowles will contend for classifications of this kind, let him recollect that descriptive poetry has been ranked as among the lowest branches of the art, and description as a mere ornament, but which should never form "the subject" of a poem. The Italians, with the most poetical language, and the most fastidious taste in Europe, possess now five *great* poets, they say, Dante, Petrarch, Ariosto, Tasso, and lastly Alfieri; and whom do they esteem one of the highest of these, and some of them the very highest? Petrarch the *sonneteer:* it is true that some of his Canzoni are *not less* esteemed, but *not* more; who ever dreams of his Latin Africa?

'Were Petrarch to be ranked according to the "order" of his

compositions, where would the best of sonnets place him? With Dante and the others? No; but, as I have before said, the poet who *executes* best, is the highest, whatever his department, and will ever be so rated in the world's esteem.

'Had Gray written nothing but his Elegy, high as he stands, I am not sure that he would not stand higher; it is the corner stone of his glory: without it, his odes would be insufficient for his fame. The depreciation of Pope is partly founded upon a false idea of the dignity of his order of poetry, to which he has partly contributed by the ingenuous boast,

> "That not in fancy's maze he wandered long,
> But *stoop'd* to truth, and moralized his song."

He should have written "rose to truth." In my mind the highest of all poetry is ethical poetry, *as the highest of all earthly objects must be moral truth.* Religion does not make a part of my subject; it is something beyond human powers, and has failed in all human hands except Milton's and Dante's, and even Dante's powers are involved in his delineation of human passions, though in supernatural circumstances. What made Socrates the greatest of men? His moral truth—his ethics. What proved Jesus Christ the Son of God hardly less than his miracles? His moral precepts. And if ethics have made a philosopher the first of men, and have not been disdained as an adjunct to his gospel by the Deity himself, are we to be told that ethical poetry, or didactic poetry, or by whatever name you term it, whose object is to make men better and wiser, is not the *very first order* of poetry; and are we to be told this too by one of the priesthood? It requires more mind, more wisdom, more power, than all the "forests" that ever were "walked" for their "description," and all the epics that ever were founded upon fields of battle. The Georgics are indisputably, and I believe *undisputedly,* even a finer poem than the Æneid. Virgil knew this; he did not order *them* to be burnt.

> "The proper study of mankind is man."

It is the fashion of the day to lay great stress upon what they call "imagination" and "invention," the two commonest of qualities; an Irish peasant with a little whiskey in his head will imagine and invent more than would furnish forth a modern poem. If Lucretius had not been spoiled by the Epicurean system, we should have had a far superior poem to any now in existence. As mere poetry, it is the first of Latin poems. What then has ruined it? His ethics. Pope has not this defect; his moral is as pure as his poetry is glorious.'

Lord Byron next resumes his vindication of Pope's moral character, which would have been introduced with more propriety in the former part of the letter; in the course of it he

favors us with a picture of Cowper's infirmities, as a sort of *pendant* to those of Pope; and tells us *en passant* that 'Cowper was no poet, but lived at a fortunate time for his works.'

'Mr Bowles,' he proceeds, 'apparently not relying entirely upon his own arguments, has in person, or by proxy, brought forward the names of Southey and Moore. Mr Southey agrees entirely with Mr Bowles in his "*invariable* principles of poetry." The least that Mr Bowles can do in return is to approve the "invariable principles of Mr Southey." I should have thought that the word "*invariable*" might have stuck in Southey's throat like Macbeth's "Amen!" I am sure it did in mine, and I am not the least consistent of the two, at least as a voter. Moore (*et tu, Brute!*) also approves, and a Mr J. Scott. There is a letter also of two lines from a gentleman in asterisks, who, it seems, is a poet of the "highest rank." Who *can* this be? Not my friend, Sir Walter, surely. Campbell it can't be; Rogers it won't be."

"You have *hit the nail in* the head, and **** [Pope I presume] *on* the head also.

"I *remain* your, affectionately,

("Four *asterisks.*")

"And in asterisks let him remain. Whoever this person may be, he deserves, for such a judgment of Midas, that "the nail," which Mr Bowles has "hit *in* the head," should be driven through his own ears; I am sure that they are long enough.'

We do not doubt in the least that Lord Byron 'does hate the word invariable,' and that so frequent a repetition of it must be rather offensive to the sensibility of a man, who, if he is writing from his heart, is recording the bitterest satire on all his life; who to day drops manna from the lips which yesterday breathed out the most insidious poison; who with the same pen that indited the most infamous poem that was ever damned to immortality, now gravely assures us, that the 'highest of all earthly objects must be moral truth!' Is this jest, or is it earnest? Is his lordship cajoling us, as in Don Juan, by an exhibition of lofty sentiment, that when we have given our confidence to it, he may make a bitter mockery of our credulity? Or is it a new way of braving public opinion, by shewing us that although he has so often scoffed at the 'highest of all earthly objects,' at least it was not from ignorance of its value?

Whatever may be the truth, however, Lord Byron now comes before us as the champion of Pope and of morals, and as such, 'albeit unused to the *moral* mood,' has discoursed with

so much apparent sincerity, that he must be answered in the same temper.*

We cannot then agree with him that the rank of a poet is to be ascertained simply by the ability with which he 'executes,' without any reference to the quality of his subject or the difficulties it may present. Indeed the absurdity of referring exclusively to the execution is apparent. By this rule the authors (whoever they may be) of Giles Scroggin's Ghost, Johnny Armstrong, Miss Bailey, or any madrigal, or two-penny ballad, *the best in its way*, must be put along side of Milton and Shakspeare, or any other great genius, who after all did no *better in his way*. And the authors of the rejected addresses, who burlesqued Lord Byron with so much spirit and fidelity, may divide his Lordship's laurels with him, on no better pretensions. Neither is it reasonable to graduate the rank of a poet solely by the dignity of his subject, as his Lordship has abundantly proved. The calculation must be founded on a ratio compounded of the quality of the material, and of the skill of the artist in working it up. Tragic, or epic poetry is a much higher walk than lyrical, &c., because it presents greater impediments to complete success—requires in the poet greater familiarity with nature, that he may raise or plunge the soul into the opposite extreme of feeling; and a no less intimate acquaintance with art, that he may distribute his complicated machinery so as to produce the greatest possible effect. Whatever he does must be done well—passing well—mediocrity is intolerable in this species of poetry.

* We should not have been so slow in crediting the sincerity of his Lordship in sentiments so honorable to himself, had the compositions to which we have alluded been the fugitive sallies of intemperate and thoughtless youth, which after penitence might have expiated. But it was not so. Don Juan is one of his latest productions, and is a singular instance (at least in our language) of a regular, well constructed poem, in which the powers of a highly gifted mind have been tasked to their utmost to exhibit virtue, honor, and domestic affection, in the most contemptible and ridiculous aspect; to gild over vice with all the illusions of imagery, all the seductions of sentiment, and thus with cool, deliberate malignity, to blot out every thing pure and innocent in the human heart, and fill it with foul corruption. This too, not in the 'heyday of youth,' but at a period of life when if ever, the pulse beats quietly, and reason is mature. We have been induced to be more explicit on this subject from the publicity given to this detestable poem by an American edition, and we take some shame to ourselves, that we have not before expressed our indignation that any man should be found so base in this country, as for 'ignominious bread' to circulate the venom which may taint the purest fountains of society.

'Si paulum a summo decessit, vergit ad imum.'

In a word, it requires the most exalted genius and industry with which human nature is endowed. Are similar talents and accomplishments demanded to make a good composer of ballads? Are there similar impediments to his success? And where success is so much easier, is it equally glorious? Certainly not; and it seems to us that a good epic or dramatic writer is as far above the best of ballad-grinders, as the architect of St Peter's is superior to a first rate house-carpenter.

But lord Byron, after all, is not so well satisfied with his own theory, as to rest Pope's reputation wholly upon his genius and his skill, but proceeds by a very curious train of induction, to show that his subjects were also of the highest order, and the most poetical. 'Ethics,' he tells us, 'no less than miracles, proved our Saviour to be the Son of God.' 'Ethics, also, made Socrates the greatest of men;' *therefore*, 'ethics are the most poetical subject in the world!' We really do not perceive the immediate connexion between the conclusion and the premises; nor do we altogether understand why ethics, which confirmed the claims of our Saviour to divinity and founded the reputation of Socrates, are for these reasons any fitter subjects for poetry than mathematics, which founded the reputation of Newton, or political economy, which established that of Adam Smith; and we doubt whether his Lordship would recommend as poetical subjects either a disquisition on weights and measures, or a new method of extracting the cube root. Neither do we think that ethics are the fittest or the highest theme of poetical composition; for however instructive a disquisition on them may be, it is not likely to communicate the greatest degree of pleasure; it may mend the heart, but not warm it, and whatever other quality it may possess, plain ethics, unassociated with religion, can have little in it either of sublimity or pathos. But we have detained our readers too long on these unprofitable topics, and we will now proceed with his Lordship's eloquent panegyric upon Pope.

'The attempt of the poetical populace of the present day to obtain an ostracism against Pope, is as easily accounted for as the Athenian's shell against Aristides; they are tired of hearing him always called "the Just." They are also fighting for life; for if he maintains his station, they will reach their own by falling. They

have raised a mosque by the side of a Grecian temple of the purest architecture; and, more barbarous than the barbarians from whose practice I have borrowed the figure, they are not contented with their own grotesque edifice, unless they destroy the prior and purely beautiful fabric which preceded, and which shames them and theirs forever and ever. I shall be told that amongst those I *have* been (or it may be, still *am*) conspicuous—true, and I am ashamed of it. I *have* been amongst the builders of this Babel, attended by a confusion of tongues, but *never* amongst the envious destroyers of the classic temple of our predecessor. I have loved and honored the fame and name of that illustrious and unrivalled man, far more than my own paltry renown, and the trashy jingle of the crowd of "Schools" and upstarts, who pretend to rival, or even surpass him. Sooner than a single leaf should be torn from his laurel, it were better that all which these men, and that I, as one of their set, have ever written should

> "Line trunks, clothe spice, or, fluttering in a row,
> Befringe the rails of Bedlam, or Soho!"

There are those who will believe this, and those who will not. You, sir, know how far I am sincere, and whether my opinion, not only in the short work intended for publication, but in private letters which can never be published, has or has not been the same. I look upon this as the declining age of English poetry; no regard for others, no selfish feeling, can prevent me from seeing this, and expressing the truth. There can be no worse sign for the taste of the times than the depreciation of Pope. It would be better to receive for proof Mr Cobbett's rough but strong attack upon Shakspeare and Milton, than to allow this smooth and "candid" undermining of the reputation of the most *perfect* of our poets, and the purest of our moralists. Of his power in the *passions*, in description, in the mock heroic I leave others to descant. I take him on his strong ground, as an *ethical* poet: in the former, none excel; in the mock heroic and the ethical, none equal him; and in my mind, the latter is the highest of all poetry, because it does that in *verse*, which the greatest of men have wished to accomplish in prose. If the essence of poetry must be a *lie*, throw it to the dogs, or banish it from your republic, as Plato would have done. He who can reconcile poetry with truth and wisdom, is the only true "*poet*" in its real sense, "the maker," "the creator." Why must this mean the "liar," the "feigner," the "tale teller?" A man may make and create better things than these.

I shall not presume to say that Pope is as high a poet as Shakspeare and Milton, though his enemy, Warton, places him immediately under them. I would no more say this than I would assert in the mosque (once St Sophia's), that Socrates was a greater

man than Mahomet. But if I say that he is very near them, it is no more than has been asserted of Burns, who is supposed

"To rival all but Shakspeare's name below."

'I say nothing against this opinion. But of what "*order*," according to the poetical aristocracy, are Burns' poems? There are his *opus magnum*, "Tam O'Shanter," a *tale*, the Cotter's Saturday Night, a descriptive sketch; some others in the same style; the rest are songs. So much for the *rank* of his *productions;* the *rank* of *Burns* is the very first of his art. Of Pope I have expressed my opinion elsewhere, as also of the effect, which the present attempts at poetry have had upon our literature. If any great national or natural convulsion could or should overwhelm *your* country in such sort, as to sweep Great Britain from the kingdoms of the earth, and leave only that, after all the most living of human things, a *dead language*, to be studied and read, and imitated by the wise of future and far generations, upon foreign shores; if *your* literature should become the learning of mankind, divested of party cabals, temporary fashions, and national pride and prejudice; an Englishman, anxious that the posterity of strangers should know that there had been such a thing as a British epic and tragedy, might wish for the preservation of Shakspeare and Milton; but the surviving world would snatch Pope from the wreck, and let the rest sink with the people. He is the moral poet of all civilization; and as such, let us hope that he will one day be the national poet of mankind. He is the only poet that never shocks; the only poet whose *faultlessness* has been made his reproach. Cast your eye over his productions; consider their extent, and contemplate their variety:—pastoral, passion, mock heroic, translation, satire, ethics,—all excellent, and often perfect. If his great charm be his *melody*, how comes it that foreigners adore him even in their diluted translations?'

This is indeed an apotheosis; and if his Lordship has done more than any other to bring into disrepute 'the classic temple of his predecessor,' he has at least made ample amends for it to the architect by thus placing him among the gods. To say the truth, we have been a long time concerned at the prevalence of certain false principles in poetry, which have been gaining ground in England the last ten years; and the more so, as we have been somewhat apprehensive of its influence on our own; which yet in the bud is doubly sensitive to every unwholesome vapour. We have been particularly disgusted by the puling affectations of that city tribe of songsters, so aptly ycleped the Cockney School; nor have we

been altogether satisfied with that mysticism, that unintelligible, and we may add unmeaning strain of sentiment which too often pervades the composition of the lake poets (who by the bye have not sufficient common resemblance to justify the epithet); and we regret that the influence of both has been to discredit the perspicuous, direct, and manly flow of thought and expression, which distinguishes the writings of Pope and his contemporaries.

But although we sympathise with his Lordship in these grievances, and are happy that by precept at least he has thrown his influence into the opposite scale, yet we doubt if he has taken the best method to redress them. Extremes in the intellectual world are seldom corrected by extremes. The extravagant opinions on one side are not to be set right by opinions equally extravagant on the other; and with all deference to his Lordship's sincerity, we think he would have done more for Pope, if he had said less. Much as we admire Pope, we cannot look upon him as the polar star of a literature in which Spenser, Milton, Dryden, Cowper, and Lord Byron (humbly as he thinks of himself) have written; we say Cowper, for although we are told 'he is no poet,' and that 'Pope is the moral poet of all civilization,' (a phrase somewhat unintelligible,) yet we are of opinion that there is more unaffected feeling, more truly sublime morality condensed in two hundred pages of the Task, than in all that Pope has ever written.

Since we cannot concur in the unqualified extent of Lord Byron's panegyric, we will state why and upon what grounds we are at issue. It really seems to us absurd, and somewhat conceited to inquire at this time of day, if Pope be really a poet. If the wise men of Europe have not been grossly deceived for the last hundred years, (a pretty fair term of time to settle the pretensions of an author), he is one of the most eminent. It, after all, amounts to a mere verbal dispute; whether our definition of a poet is the same that it was a century ago; as relates to ourselves, we see no reason to doubt it. We study and admire the same great models that were then admired; we acknowledge in Pope the sprightliness of an elegant fancy, graceful dignity of sentiment, a wit unceasing yet never tiring, satire playful yet severe, an accurate taste, a sententiousness of expression neither weakened by affectation, nor clouded by ambiguity, and an uniform polish of language never rivalled; in fine, to quote the well known crit-

icism of Johnson, 'Invention, by which new trains of events are formed and new scenes of imagery displayed; imagination, which conveys to the reader the forms of nature and incidents of life; judgment, which selects from life or nature what the present purpose requires.' We acknowledge and admire all these splendid attributes of genius in Pope; but we still think him wanting in that power of awakening the most sublime and tender emotions so requisite to the perfection of poetry. What has he ever written, which for lofty feeling and description can compare with the six first books, we may justly say any part of Paradise Lost?—the march of Satan over the burning lake; the description of his prison; the speeches of the fallen angels in Pandemonium; the voyage of Satan through Chaos; and contrasted with these, what so touching as the pictures of Adam and Eve, their innocent occupations, and the joys of paradise? What has he written that shows such keen sensibility to the charms of nature, as the smaller though hardly inferior poems of Milton, Comus, Lycidas, Penseroso? &c.

We think nothing Pope has written can compare in force or grandeur (although no religion is mingled with it), or in exquisite tone of feeling, with the greater portion of the second and third cantos of Childe Harold. The poet there carries us back through the 'mist of years' to the days of the glory of Greece;

> 'Till the sense aches with gazing to behold
> The scenes our earliest dreams have dwelt upon.'

We walk with him over her prostrate columns, and sympathise in his eloquent lamentation. Or he transports us to the summit of the Alps, to witness in those high solitudes, the convulsions of nature. We become with him

> 'A portion of the tempest,'
> 'A sharer in its fierce and far delights.'

Or he shows us nature in her loveliest trim, imbued with some tender moral feeling that calms our ruffled spirits; some 'clear placid lake', whose

> 'Soft murmuring
> Sounds, sweet as if a sister's voice reproved,
> That we with stern delights should ere have been so mov'd.'

This is poetry, and of the very highest order, which thrills

the soul with the intensity of its feeling; which, as we have before expressed ourselves, inspires us with genuine emotions of tenderness, power, and beauty. This is not the character of Pope's poetry. If we except the Epistle to Abelard, and some of the lines to an unfortunate lady, he has written nothing pathetic, and the Epistle to Abelard must be considered somewhat indebted for its admirable contradiction of passions, to the original letter of Eloisa. As to sublimity, we hardly know where to look for it, unless it be in 'the Ode of the dying Christian to his soul,' 'the prologue to Cato,' and in some of the illustrations and images in the Essay on Man. The Messiah, in this respect, must be considered only as a version. Now these few instances are not enough to establish the poet's character for grandeur or pathos. The truth is, it was not his character, and he perfectly understood it. He wisely confined himself to those themes to which he was best fitted by nature. He wandered once into an imitation of the Ode of St Cecilia, and he is universally acknowledged to have failed. He wrote about criticism, and no one was better qualified for it, and essays on the vices and follies in social life, of which he was an acute observer. The Rape of the Lock is founded on these; and its machinery, although faultless, has obviously nothing in it grand or affecting: the subject would not admit of it. The Essay on Man, notwithstanding it is embellished with beautiful and sublime imagery, is throughout a treatise upon metaphysical morality, and for this reason, whatever may be the merit of its versification or of its doctrines, is in the very essence of its topics ill adapted to the higher flights of poetry. The same remarks apply to his satirical pieces. His Windsor Forest and his Pastorals, beautifully finished as they are, rarely show that delicate sensibility to the secret charms of nature, which led Thomson to point out to us what till then we had never before noticed, and Cowper to invest every known object with some moral grace that made it still new. He paints nature from the eye and not from the heart; deals more in general than in minute description, is sometimes pedantic and often cold.

It is not by an indiscriminate commendation of Pope, that we may hope to preserve his poetical character from the unmerited contempt, into which it has fallen of late years; chiefly occasioned by the example of a few captivating but lawless writers. We must meet him on his own ground, which

is surely too high to demand the aid of extravagant eulogium; acknowledge his deficiencies, that we may be more readily credited in speaking of his merits; hold him up to imitation as a perspicuous, elegant, and correct writer, abounding in wit and fancy but not sublime; natural but not tender; as Voltaire remarked of one of his own countrymen, 'incapable peut-être du sublime, qui eleve l'ame, et du sentiment, qui attendrit, mais fait pour éclaircir ceux à qui la nature accorde l'un et l'autre; enfin le poête de la raison.' We would not commend him as first in the order of poetry, as one who abounds in powerful or pathetic sentiment, lest so cold a model should discourage genuine poetical fervor; but we would strenuously recommend his example to those, who are captivated by that dreamy, mystic, indirect mode of thinking, which defeats the first object of a good writer, that of being understood; and still more to that tribe of 'naturals,' who with some poetical feeling spoil all by a silly 'babble of green fields,' which they sadly mistake for simplicity and nature.

One word respecting the versification of Pope, (indeed we should not have uttered so many truisms on the character of his poetry, had it not been for the indiscriminate eulogium of Lord Byron,) and we have done. His Lordship remarks that people are tired of hearing Pope called the 'just,' and that he is the only poet whose faultlessness has been made his reproach. We think there is good ground for such reproach, and that his faultlessness, paradoxical as it may seem, is a great and obvious defect, or in other words, that the extreme precision, with which he has adjusted every pause, and balanced each individual couplet, makes the whole poem, especially if it be of any length, monotonous and fatiguing. Considering the quantity he has written, we should think him unfortunate in the selection of his verse, did we not also consider the nature of his subjects. These being for the most part satirical or argumentative, were no doubt better managed in rhyme, which, pointed, antithetical, sententious in its structure, gave additional keenness to his raillery and force to his argument. Shackled as this kind of verse is, by its own laws, in which respect it resembles the French 'monotony in wire' more than any other, we still think Pope has not relieved it, by all the variety of which it is susceptible. Every line with him seems to 'hang self-balanced on its own centre,' every pause is distributed by one uniform rule; every couplet shuts up

its own sentence. This is artificial, not natural harmony, and the ear becomes soon wearied with such a regular recurrence of sounds and pauses. Pope has been styled the father of English versification. But we really think *the perfection of melody*, (to say nothing of Shakspeare,) was to be found long before him in Milton, who in this respect carried the language to a higher pitch than any of his successors; than all the 'sweetness of Waller,' the 'majesty of Dryden,' or the uniform harmony of Pope. Pope's example was more easily imitated, as his versification was artificial, and required very little natural ear. It was, therefore, more generally copied by his followers, and had no doubt a great influence in polishing the language. Milton's soul seems to have been attuned to melody. Take indifferently any of his pieces, great or small, and after all fair allowance for the jargon of a pedantic age, we find a perpetual flow of

> 'Words, that, with grace divine
> Imbued, bring to their sweetness no satiety.'

No one of his successors is to be named with him in this respect, excepting Lord Byron. He too seems to have a delicate ear united to a soul of equal sensibility.

> 'Thoughts that voluntary move harmonious numbers;'

although frequently abrupt from negligence, or unintelligible from an indefinite and circuitous expression of what he does not very clearly comprehend himself. We hope his Lordship will imitate in this respect the poet he so justly admires, and purge from his compositions the mistiness, which too frequently hangs over the finest thoughts.

Before we part with him, we must thank him for the pleasure this elegant trifle we have been examining, has afforded us. It is too witty, spirited, and eloquent not to amuse all who take it up; it will then be laid on the shelf and forgotten. We feel something like regret, that a genius like Lord Byron's should mix in controversies of temporary interest, where he must meet men better informed and more accustomed to the warfare than himself. In the letter before us, we think he will amuse more than he will convince; his wit plays very nimbly, but Mr Bowles has nothing to fear from it, for unless pointed with more argument, it will hardly leave a scar. We should esteem it arrogance to point out to Lord Byron any

new subject for his powers; we have seen this done by other critics, and when the hint has been taken, a failure has generally been the consequence of it. But we had rather his Lordship would confine himself to the high walk, in which he has no living rival. Many men can write prose as well, not to say better than himself, none can come near to him in poetry; and for ourselves we are free to confess, that high as we rate the genius of Pope, and much as we prize his compositions, we think there is more of the 'impetus sacer', a more exquisite and loftier tone of poetic feeling in Childe Harold and Manfred, than in all that Pope has ever written.

Art. XXIV. *A Hebrew Grammar, with a copious syntax and praxis. By Moses Stuart, Prof. of Sacred Literature in Theol. Sem. at Andover.* Andover, Flagg & Gould, 8vo, pp. 386. 1821.

This grammar bodes well to the cause of oriental learning, in the great theological school with which its author is connected. While our students in theology were scattered over the country, attending to their professional pursuits singly, under the direction, it might be, of very sensible and judicious clergymen, but whose learning was worse for years spent in a constant circle of parochial duty, all appropriate learning, except that of the cut and thrust of polemic divinity, was tending constantly to languish and decay. We have already seen some of the benefits of withdrawing our young men, who are destined for the church, from solitary study, and bringing them together in schools, where provision is made for their instruction in the original languages of the scriptures and in biblical literature.

In the earliest period of the New England church, it would seem, that some of the greatest divines were well acquainted with the Hebrew language. Some of them brought this knowledge with them from the parent country, which they imparted to a few others. But we have no reason to think it was long cultivated to any great extent, and we do not find that any provision was made for instruction in Hebrew, in the university at Cambridge, till nearly a century after its foundation. From 1722 down to the period of the establishment of the theologi-

cal school in Harvard college, the Hebrew was a voluntary study for the most part; a short period was allotted to it in the academic course, and so little of what had been learned was retained, when the student received his degree, that, in a great majority of cases, among students in theology, if they had learned any thing of the language, it was abandoned for other studies, which appeared more indispensable as a preparation for their public functions. Few, it may well be supposed, among those who obtained a parochial charge, if they should find time, would maintain or acquire that ardor in study, which is necessary to begin with the very elements of a language, so unlike any with which they had been conversant, or recommence its study, when almost every trace of their former, scanty knowledge had become obliterated. Hence it was, not long since, that a good Hebrew scholar was a prodigy in the church. But meagre as had become the amount of learning in this language, among our divines, this deficiency did not constitute the whole evil. From defective examination, from indolence, and a consequent reliance on authority, favoring the love of ease, our scholars had gone over to those French and English grammarians and philologists, who, under the pretence of facilitating the learning of Hebrew, left nothing of it but the skeleton. The bare consonants, which did well enough for those who first spoke and wrote the language, when arrayed before a European, appear to belong to a dead language indeed. For all the purposes of sound and pronunciation, he might as well be deaf and dumb; and the reading is so arbitrary and imperfect, that nothing abides in the memory, and nothing is thoroughly understood.

Professor Stuart has, with great industry, examined the copious Hebrew grammars of the greatest oriental scholars among the Germans, and has followed in a great degree the latest and the best, namely, that of Gesenius. We cannot better explain the manner in which his grammar is conducted, than by giving his own account.

'He flatters himself that nothing very important will be found wanting; as the substance of Gesenius' great work is incorporated in it. In regard to the plan of the work, he does not profess to be a mere translator of Gesenius, whose grammar is too large for common use; but he has adopted the general method of this writer, as his model. He has made a diligent use of him for the purpose of information. In some cases he has seen reason, as he

believes, to differ from him, especially in regard to arrangement; but not in any important matter. Whoever will take the trouble to compare, will find much fuller paradigms of nouns, and somewhat fuller of verbs, in the present work. The Hebrew accents are treated here with much more particularity, and in a different manner from that of Gesenius. The rules that respect the regulation of the tone-syllable, and which lie scattered over the whole work of Gesenius, and are so very vague in most Hebrew grammars, he has embodied in one section, for the convenience of the learner, and endeavored to render them more complete, than any to which he has had access. The tables of suffix-pronouns are more complete, and as he trusts, more conspicuously arranged, than will be found in most Hebrew grammars. The section which exhibits the forms of Hebrew nouns will be found to depart, in respect to arrangement, in a very considerable degree, from that of Gesenius, by which the labor of the student will be much facilitated, and the different kinds of forms and their respective roots rendered very easy and obvious. Other lesser changes in regard to method, and in not a few cases in regard to the completeness of rules, may be found, if any one will take the pains to make the comparison.'

We do not perceive that Professor Stuart has overrated his own labors, and we feel much indebted to him for the result. If we thought it would gratify enough of our readers to reward us for the pains, we would make the comparison to which the author invites us, in order to shew how far, and for what good ends, he has deviated from Gesenius. But it will be enough to describe in a few particulars the character of his work.

In giving the 'classification, sound, and quantity' of the vowels, we regret that he has followed the innovation of Gesenius, instead of the simple plan in which the best grammarians had before been sufficiently agreed. The common distribution of the vowels is into five long and five short; the long vowels agreeing in their order and sound with those of the German language, and other languages of the European continent, and the short agreeing, in like manner, both with them and with the English. This distribution is very simple and intelligible, while at the same time it affords sufficient variety; and it agrees so nearly, as far as we have had opportunity to learn, with the manner in which those who are familiar with the Hebrew, whether Jews or Christians, read the language, that we confess an unwillingness to change, without

perceiving an adequate benefit. It may be true in theory, that 'in Hebrew, as in Arabic, there are only three *classes of vowels*;' and it would seem probable, from philological speculation, that there is the same analogy in this respect between the oriental languages, as between European languages of the same family. But the Hebrew is a dead language; and we must take the sounds, as they have been transmitted to us by those who had most occasion to pronounce it.

It may seem at first view that Professor Stuart has adopted the most simple plan in his classification. But it must be remembered that while in the Arabic grammar there are but three vowels, each having a distinct name; in the Hebrew there are ten (including Kamets and Hirik long and short) having as many distinct names. Now, if five of these be long and five short, as it is generally agreed, admitting exceptions, which may be pointed out, it is a great assistance to the memory to represent them by a sequence of modern vowels, either known or easily made familiar. Instead of this, if they be reduced to three classes, as partaking severally of the sound of *a*, *e*, or *u*, in order to shew their relations and commutations, the grammarian is obliged to put in the same class those which are manifestly distinct, and in different classes those which are alike; and thus he renders the names and power of the vowels more difficult to be learned and retained, than they are in the usual way.

Such are our opinions on this subject; but still we think this grammar such a valuable *thesaurus*, that we are unwilling to lay so much stress on these opinions, as to deduct from the praise to which it is fairly entitled. It is a very large book for a grammar, and may appear to a learner to render his task discouraging. With a little aid, however, his attention may be directed to what is more immediately necessary; and, as he advances in his knowledge of the Hebrew, he will find in this grammar all the facilities requisite to a thorough acquaintance with the language. We should indeed prefer a more elementary book for a beginner; but Professor Stuart's work combines with what is primarily important, such ample grammatical commentaries, as, in the end, save the trouble and expense of multiplying books of a similar kind; and we will not, therefore, find fault with what may seem to be redundant.

The copious paradigms of nouns and verbs, particularly the last, are a great excellence of the grammar of which we are

speaking. In this respect the wants of the learner have not generally been enough regarded, in the grammars of the dead languages. None of the Greek grammars, in common use, are sufficiently full in examples of the different kinds of verbs; and scarcely too much can be done to render familiar to the student that which is so various and complex.

We cannot close without congratulating our late and present classes of students in the principal theological schools, that they are laying their foundation in the original language of the Old Testament, after the close of the dark age of Hebrew learning, as it may be termed in England and America, during the latter part of the last century, and the beginning of the present. Whatever diversity of doctrinal tenets may exist in the different institutions among us, it is fortunate that they are agreed in the importance of a thorough acquaintance with the original languages of the bible; for on this foundation must be reared all that is true and imperishable, whether pertaining to faith or practice.

AN

ORATION,

PRONOUNCED

BEFORE THE SOCIETY OF PHI BETA KAPPA,

AT CAMBRIDGE, AUGUST 30, 1821.

BY JOHN C. GRAY, ESQ.

Gentlemen,

Permit me to allude to the present condition of American literature, however trite some of you may think the whole subject, for the purpose of congratulating you on the new and agreeable aspect, in which it now presents itself to our contemplation. The progress which it has made within a very few years, is too great and too manifest to be overlooked or denied. All who hear me must be well aware, that our writers are every day increasing in number and in merit, that our standard of excellence is rapidly rising, that our readers are constantly becoming more correct in their sentiments, and more severe in their requisitions. In asserting that an important change has already taken place, that our literary character is higher at this moment, than at any former period of our existence as an independent community, we shall surely give no just ground for the imputation of national vanity. These opinions are not confined to ourselves, they are those also of many of the principal writers of Great Britain, who have given little indication of any undue prepossessions in our favor. As I have no wish to speak extravagantly of our actual progress, still less would I insinuate that nothing, or that little now remains to do. What we have already accomplished furnishes a ground of hope rather than of complacency, a motive to exertion and not an excuse for indolence. There is doubtless yet much room for improvement, but we have proceeded on the whole with no faltering step, and if we are but true to ourselves, the continuance, diffusion and increase of an

enlightened and efficient spirit of literature, a spirit which will produce writers as well as readers, will be henceforth no longer doubtful. The present period then is indeed an interesting era. We shall cease to depend wholly on another country, for the daily nourishment of our understandings from the first moment of their opening. We are preparing to distinguish ourselves among nations by our writings as well as by our actions.

I have said thus much, my friends, on what has been effected by our late writers, not merely on account of the pleasure innocent, to say no more, which such a retrospect must afford you, both as scholars and as citizens. It has been my object to remind you in a few words, that our literary career is actually commenced, principally because a consciousness of this fact cannot but give a new and immediate interest to all speculations on our future progress. What, we are naturally led to ask, is the degree of eminence which American writers may ultimately hope to reach, and what will be their relative rank among the distinguished authors of modern times? In reflecting on these questions, one circumstance suggests itself to the mind, as distinguishing, more than any thing else, our own literary condition from that of every enlightened country in Europe, our community of language with a nation, which has been long and highly celebrated for its advancement in letters. As far as respects the words, and as far as the words affect the sentiments, our compositions must always be English. The effect of this community of language, on our own literature, is the subject on which I shall now offer a few remarks to your consideration.

It has often been confidently asserted, that this peculiarity in our situation, must forever render our writers incapable of every thing like originality. We are doomed to compose, say the supporters of that opinion, in a language which has been cultivated, and how successfully! for three centuries. The time for bold and novel conceptions, the golden age of English literature is now gone by, and every department is already occupied by writers, who have left no choice to us but to imitate them servilely, or to differ from them affectedly. We should scarcely suppose, my friends, that opinions like these, even if founded on the most solid reasoning, could ever gain a prompt and cheerful assent, from any real friend to improvement. Still less should we imagine that writers of genius,

though they might feel unable to deny, would delight to illustrate and enforce them. Yet, as you need not be apprised, they differ but little from those general complaints of the impossibility of producing any thing new, which have been repeated with undiminished assurance, by critics of every age and nation. That all the sources of literary information are exhausted, is indeed an idea scarcely less ancient than literature itself. Thus we are gravely told, that the works of nature are always the same, that the passions of man are alike at all times and in all countries, that the principles of morality are few and soon understood, and that therefore nothing is left for us to say, in descriptive, in tragic, or in ethical poetry; as if the works of nature were not all but infinite, and the operation of human passions as diversified as the occasions which excite them, and the great principles of the moral, like those of the physical creation, as various in their application, as they are simple and comprehensive in their nature. In short, the assertion that all which is most striking in the natural and intellectual world, has been discovered and displayed by a few great masters, must be a maxim as incredible to those, who are not blinded by the splendid imagery, with which it is sometimes illustrated, as the Mahometan doctrine, that every thing worth knowing is comprised in the koran. If it needs any other refutation, than the mark of absurdity which it carries on its very forehead, we may find it overthrown by every step in the march of genius. Could we grant for a moment, that all subjects worthy of attention had been selected by preceding authors, how wide an opportunity would still be left to superior abilities. It is the business of exalted minds, not only to discover sources of pleasure before unknown, but to elicit new beauties from those which seemed exhausted, to render old ideas novel, as well as new ones familiar. There is much in transposing, in expanding, in illustrating, in adorning the leading thoughts, which others have already marked out, and the excellence of literary compositions consists in no small degree in the mere phraseology. He who improves and perfects, is often preferred, and justly, to him who first produces, and we should gladly yield to other nations the credit of such originals, as Hesiod's Works and Days, could we boast of such imitations as Virgil's Georgics. Were all men of one tongue, as well as one blood, had there always existed an universal language, still even in this advanced age of the

world, who could say that the fields of knowledge had been explored and reaped to their utmost boundaries? With how much less assurance then can we ascribe such a plenitude of intelligence to the literature of Great Britain.

The opinions, which I have just endeavoured to disprove, may appear too extravagant to deserve the attention which I have devoted to them. They are in truth the forgeries of indolence, but this very circumstance renders a lively impression of their fallacy still more necessary. It is as vague sentiments and not as settled convictions; it is in their influence on our feelings and not on our sober judgments, that they are to be seriously dreaded. We do not believe that English literature is complete, and that our attempts would be unavailing, but we feel, and because we are willing to do so that English literature is rich, and that our industry is unnecessary. It is by encouraging this feeling and in no other way; it is by furnishing a temptation to indolence, and not by circumscribing the sphere of invention, that the works of British writers can produce a disadvantageous effect on the originality of our native productions. The extent to which this temptation can operate in relaxing the exertions of our authors must depend upon themselves, and will, in any event, as we may confidently trust, be far too slight a disadvantage to outweigh the numerous benefits which our rising literature must derive from our identity of language with Great Britain. To these, which we shall find a more fruitful, as well as more encouraging theme, let us now direct our attention.

The first and greatest is the advantage enjoyed by our early writers in the possession of numerous striking and chaste models of style. Much and deservedly as we admire the richness of the English classics, we shall find it difficult to realize the full influence of this circumstance in exciting and directing our literary efforts. Did we speak a language peculiar to ourselves, our standard of merit would be regulated by the works of our own writers and must depend principally on a few of the earliest. The best which we know is always excellent, and the faults of a small number of imposing examples might spread unchecked, till they became the general and settled characteristics of American composition. From errors like these we may now find an easy and a sure escape, in a diligent perusal of the works of our literary predecessors in England. To shew us what degree of excellence we can

rationally hope and should in duty strive to reach, we have the example of those who have given the only unequivocal proof of merit, by pleasing generally and pleasing long; whose title to admiration is supported by the testimony of numerous enlightened generations. What is no less, we are warned from error by the fate of many English authors of the present period. We are powerfully admonished to an exact observance of the permanent rules of good taste, by daily seeing the works of those who have ventured to set them at defiance, fading into oblivion as fashion varies.

I do not say that we could derive the same advantages in no degree from the study of British authors, if their language were not ours also. Much is no doubt gained, from a thorough acquaintance with the classics of other ancient and modern nations, and the narrow prejudices of English scholars of the present day, which have so generally led them ignorantly and indiscriminately to overlook the literature of the European continent, deprive them of not a little which might improve the character of their own compositions. Yet the study of other languages, however highly and incontestably beneficial it may be rendered, is valuable to us only as we possess a thorough acquaintance with the genius of our own, and this can never be acquired without a frequent perusal of elegant American or English works.

But a community of language with Great Britain not only enables us to improve our taste, by the study of numerous compositions of every variety and degree of excellence. There is another benefit resulting from it which we feel daily, and which, at some future period, we may hope to confer in return on England,—that derived from the animadversions of her critics. Our compositions are submitted to the judgment of those who can combine the knowledge of natives with the coolness of foreigners, who, though well qualified to estimate our real merits, are beyond the influence of any local prejudices or temporary fashions, which might give for a while to works of an ordinary character, an adventitious value among ourselves. That those critics will always be as candid as they are able, is indeed a supposition for which experience gives little warrant, but their prejudices will generally be of an opposite nature to ours, and if far more inexcusable in them, must be far less dangerous to us. It is yet early to dread that we shall think too meanly of our own efforts, and

place too implicit a confidence in the reproofs of others, and if the beauties of our authors are not liberally acknowledged, their faults at least will be promptly and carefully, though sometimes, it may be, harshly censured.

Far be it from me, however, to recommend an entire deference to foreign arbiters, for this would be not less injurious than servile. We should learn to judge as well as to write for ourselves, and consider the decisions of the literary like those of the legal tribunals of England, as entitled to our respect for the reasons on which they are founded, and not for the authority which is stamped upon them. Nothing would tend more to accelerate our progress in letters, than the encouragement among ourselves, of a spirit of enlightened and liberal yet exact and fearless criticism. Our writers will then be doubly guarded from error by the censures of the reviewers of both countries, by the opinions of two distinct circles of scholars, situated in different circumstances, biassed by contrary feelings. We shall better realize all the advantages of this two-fold security, if we consider what is yet wanting, notwithstanding our late flattering improvements, to raise us to eminence as a literary community. I say nothing of the small number of our authors, for this is incontestably owing to circumstances in our national condition, which have diverted our countrymen from the pursuit of letters, to objects of apparently more practical importance. If, therefore, there were nothing for us to regret but the mere want of writers, if we had, with regard to literature, in the sense in which Pope has applied the phrase to a different subject, 'no character at all,' we might look upon our deficiency, in this respect, as an unavoidable misfortune. But will it be equally easy to vindicate our countrymen from the charge, not of neglecting to write, but of writing ill? do the few works which we have produced compensate for their scarcity by their excellence? does our literature flow with a pure though a scanty stream?

Are not several of our authors, on the contrary, guilty of faults, which, by a wise and diligent use of their means of improvement, they would assuredly have avoided; do not their productions exhibit many violations of sober sense which spring from any other cause than native and insurmountable ignorance? It is errors like these, my friends, which have tarnished our reputation; it is a perverted taste, which, like a worm in the bud, has checked the early growth of our litera-

ture; it is not in genius, not in the power, 'which invents, combines, amplifies, and animates,' that our countrymen have been so often deficient, but in the judgment which chastens and polishes.

The last advantage resulting from our community of language with England, which I have time to mention, is the unequalled sphere of celebrity and usefulness, which it opens to the authors of both nations. To English and American genius only, is it given to hope for an extensive and durable celebrity in two powerful, populous, and enlightened empires. What emotions must arise in the minds of those in each country who are actuated by an enlarged and benevolent philosophy, when they reflect, that in literature we and the inhabitants of Great Britain must always be fellow-citizens, that this is a bond of union which our political separation, complete and decided as it ever should and will be, need not and cannot break, that there is one common subject of interest, in the contemplation of which all national prejudices must be at the worst but faintly remembered. Let us be as anxious to rival, as we are willing to acknowledge the merit of English authors, and whatever a few narrow critics may pretend to think of our literature, it cannot but win its way to the general admiration of their countrymen, and excite an esteem and veneration for our national character, in the hearts of those of our transatlantic kinsmen, whose opinions we least hear but should most value, of those middling classes of English society whose feelings and habits most resemble our own, in whom resides that quiet strength which upholds, as with Atlantean shoulders, the vast system of British empire.

In the preceding sketch of the advantages and disadvantages incident, in a literary point of view, to our possession of the language of England, instead of one peculiar to ourselves, we have seen that the only evil, apprehended from this circumstance, is the additional difficulty which it has been supposed to lay on our own writers, of rising to boldness and originality of conception. I have endeavored to shew you that this supposition is a phantom of indolent or timid minds, that genius and industry can never fail to find new subjects or to throw new light on what seemed fully displayed already, that the common and vague idea that English literature is full, deserved to be examined and exposed, not because it is solid or even plausible, but because it is so flattering in itself to idleness, as

to be often embraced and cherished without the slightest examination. You will probably conclude with me, that the misfortune of writing in a language already cultivated, if misfortune it may be called, since it is ours to permit or to prevent any ill effects which it may tend to produce, is far more than balanced by the singular and weighty advantages, from which we must have been forever shut out, if deprived of the English tongue.

Should you think, however, that this conclusion is more agreeable than correct, should you believe, that the want of a separate language must always render our literature secondary to that of England, let us at least endeavor not to exaggerate a disadvantage, which is from its very nature irremoveable. Admitting that it may not be in our power to produce authors like those who have flourished in the early history of other countries, yet if we turn from those fields of exertion, which seem preoccupied, to those which are yet left invitingly open, we may find opportunities which offer us no despicable rewards, and impose on us no trivial obligations. The difficulty of adding any thing useful or splendid to the works of former English writers, great as we may choose to call it, is shared in common with us by their successors of the present day. These at least, we may expect without presumption, to rival. But should this be our utmost hope and aim? Are there not circumstances in our national condition, which place our scholars in a situation widely different from that of their contemporaries in Great Britain? An investigation of a few of those circumstances may satisfy us, that we have means and motives for the cultivation of literature, which are exclusively our own;—means which if diligently improved, and motives which if properly felt, will enable our writers to acquire a degree of celebrity, which it would be otherwise almost presumption to desire.

We are, in the first place, singularly and most happily distinguished, even from the more enlightened nations of Europe, by the diffusion of elementary instruction throughout every class of the community. This has been often and deservedly a subject of exultation and of gratitude, as a source of comfort, a protection to liberty, an aid to virtue, but little has been said of its ultimate effects on the extent and excellence of our literature. How much intellect must be lost in other nations by the comparative narrowness of the circle, to which the benefits of education are extended? With us they are univer-

sal, and the pathetic observations of Gray on talents which are obscured by ignorance and poverty, like gems buried in the depths of ocean, or flowers wasting their sweetness in the deserts, would in this country be as fictitious, as they are poetical. The influence of this general diffusion of instruction is fully and strikingly shewn, by the vast proportion of ingenious and important inventions in the useful arts, which has rendered our countrymen so distinguished throughout the world. To what is this owing, but to those rudiments of knowledge by which the minds of our citizens are from their very infancy, at once enriched and excited?

The idea of diffusing a high degree of refinement through an extensive and populous country has often been ridiculed by English critics, as one of the thousand visions of believers in the doctrine of *perfectibility*. Indeed it can be little else, where the great body of the people are destitute of the very elements of knowledge, however profound and various may be the acquirements of a few studious individuals. Such a community reminds us of the wounded soldier in Lucan, whose blood flowed only through his nobler organs, while the rest of his system lay cold and motionless. I would not assert that even in nations where the first duty of the government to the people, that of providing for their instruction, is thus neglected; where what should be as common as the air we breathe, is thus unnaturally, partially, and narrowly confined, that even there the labors of elegant scholars produce no general benefit. The mind is enlarged not merely by reading. Much is done, far more than is generally supposed, by what is called reflected information, by what we gather from our daily intercourse with society. The most uneducated individual in the community may gain something of the knowledge which flows originally from the most accomplished; he may still feel the vital influence of the light which shines around him, though the film has never been removed from the eyes of his understanding by early instruction. To every thing, however, like the diffusion of extensive information and refined taste through a great nation, such a defect must prove an insurmountable barrier. Wherever this obstacle does not exist, where the writings of scholars can be read and relished by the community in general, it is surely not extravagant to hope, that mental refinement may be transmitted to the minds of all.

This is our situation. Why then may we not one day aspire to the character of a people universally literary, to a distinction which has hitherto been the exclusive glory of Athens. It may be said, indeed, that the progress of our country towards this object must be slower than hers, for her subjects were few, circumscribed by the walls of one city, placed within the reach of daily intercourse. But is not the advantage which she enjoyed in this respect, compensated by the facility with which knowledge can be circulated in the present state of the art of printing? In ancient times, truth was extended and perpetuated among mankind in general, by oral communication. At the present day, the press is the principal channel of intelligence, and is more and more superseding every other. It is not the eloquent speaker, but the eloquent writer who now holds the keys of knowledge. The distance between one part of our country and another must continually become more unimportant, and the general diffusion not merely of elementary but of refined information among our citizens, if less rapid, is not less certain, than it would be were we enclosed by narrower boundaries. If this be indeed a fact, what motives of ambition does it suggest to our men of letters! They write not for a little circle, but for a whole people; their works may be read as well as praised by all their fellow-citizens; they can at once delight the scholar and gratify the less educated, and to be intelligible to all, they need only be as perspicuous as is demanded by good taste.

To command the enlightened admiration of every class of society, to be the direct and immediate instructers of an immense empire, is indeed no humble duty; but among ourselves the dignity of such an office, high as it is, deserves our consideration far less than its important influence on our political welfare. You are thoroughly sensible of the dependence of our very national existence, on the intelligence and morality of the people in general. Indeed on these the solid greatness of all states must ultimately rest. You will recollect that Virgil crowns his inimitable panegyric on the virtues of retired and domestic life, by tracing to them with as much philosophy as poetry, with not less truth than beauty, the origin of all the unequalled greatness of his own country.

> 'This was the life the ancient Sabines chose,
> Thus Rome's twin founders, thus Etruria rose.
> Thus Rome herself o'er all the world renowned.'

Yet with us it is not merely by his private virtues that each citizen can contribute to the stability of government and the happiness of the community. He has political as well as social duties. By our principles of equal representation, while all have the power of electing their rulers and judging in the last resort on the propriety of their measures, many are, at some period of their lives, called to be rulers themselves. It has been well observed of despotic governments, that, by depriving the people of all control over public affairs, they divide one of the strongest ties which bind each individual to the whole nation, and thus patriotism is necessarily extinguished in selfishness. Our situation is, in every respect, the reverse. How important is it then that the public spirit of our citizens should be enlightened, as well as ardent, and how essential to this great end, that they should be well acquainted with our admirable principles of government, many of which are singular and on a superficial view, unaccountable! Thus to enlighten their minds must be the business of elegant scholars. It is not bare and unadorned statements, which can render us wise and zealous defenders of the political and moral principles, by which our community is regulated. They should be impressed on our hearts as well as unfolded to our minds, by eloquent historians, orators, and poets. How many of us are utterly deterred from becoming acquainted with the conduct and principles of the first settlers of our country, merely by the inelegant style in which their history is generally related!

While our system of representation renders a national literature thus important, as the vehicle of political truth, our vast extent of territory should lead us to cultivate it with no less solicitude, as a bond of attachment between our different states. It is not enough that we should have a cold conviction of the intimate connexion between our union and our prosperity. We must be held together by the attraction of sympathy, and not merely by the chains of interest, for these a people like ours, if once agitated by a spirit of discord, would cast off 'with as much ease as Sampson his green withes.' The history of the fall of all popular governments is that of the triumph of passion over calculation. It is by engaging the feelings of our fellow citizens of every region, soil and climate in objects of common and lively interest, that we must overcome the necessary and otherwise irresistible tendency to

disunion, resulting from the wide and increasing expansion of our empire. Such must be the effect of elegant literary writings. The lustre, which they must reflect on our united country, would produce an enlarged exultation, in which all local and party prejudices would be swallowed up and lost. In literature, more than in any thing else of equal moment, we may hope for universal similarity of opinion, and cordiality of feeling, and the disputes, to which it sometimes gives occasion, if they oppose no insurmountable impediment, certainly offer no extraordinary temptation to the indulgence of angry and malignant passions.

To no object then should public attention be sooner or more earnestly directed than to strengthening the mutual connexion between the several great members of our union, by strong literary ties. Such ties can never be superfluous, and may be all important. However different our present condition and expectations, we should be prepared for the worst, and if the time should ever come, when our country shall be divided into furious and vindictive parties by geographical boundaries, and rent by the united force of political and of local prejudices, when a blind and excessive attachment to supposed state privileges shall shut out all regard to the permanent interest of the whole, when that which should be our peace, the christian faith, shall be rendered by the misguided consciences of warring sectaries a fountain of bitterness, it is then that our national literature may be the only subject of harmonious interest left us, it is then that our circle of scholars may prove

> 'A hoop of gold to bind their brothers in,
> That the united vessel of their blood
> Mingled with venom of suggestion,
> As force per force, the age will pour it in
> Shall never leak, though it do work as strong
> As aconite.'

Need I mention any farther motives to literary industry? There is yet one, more general if not more powerful, than any which I have suggested. Those who founded and who have most ably supported our admirable political institutions, have often laboured to interest us deeply in preserving them, by admonishing us, that we were making a grand experiment in human nature, that our political conduct was a subject of high

interest and of deep consequence, to all our contemporaries throughout the civilized world. Is there any thing romantic or visionary, in recommending, for similar reasons, the elevation of our country to a high literary celebrity? Let it not be said, my friends, that republican freedom, though compatible with security, with wealth, with physical comfort, is hostile to a high degree of mental cultivation. Let us not allow the enlightened philosophers of Europe, those men in whom all permanent and beneficial reforms must originate, to believe that we have gained the useful only at the expense of the elegant, let our country be distinguished not merely by the intrinsic worth which enables us to give her a high yet unprejudiced preference over all others, but by those lighter charms, which will render her the admiration and the model of foreign nations; with her purity let her unite refinement, let her garments be always white, but let them remain no longer unadorned.

NOTE TO CORRESPONDENTS.

We have again been obliged to delay the publication of two of the articles announced in a note at the close of the last number, as also of a review of the 'Report upon Weights and Measures, by J. Q. Adams, Secretary of State of the United States.'

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ERRATA IN THE LAST NUMBER.

Page 86 *line* 4 from bottom *for* 'to it,' *read* 'it to.'
" 88 " 16 from top " 'West Florida,' " 'Spain.'
" 97 " 31 " " " 'Trumbull,' " 'Turnbull.'

IN THIS NUMBER.

Page 305 *line* 6 from top *for* 'vaccinated,' *read* 'inoculated.'
" 370 " 3 from bottom *read* 'the,' *before* 'factors.'
" 431 Highway robbery, under certain circumstances, is to be added to the list of capital crimes in Massachusetts, by a late statute.

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